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Military service and military criminal cases

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List of abbreviations

ECHR	European Court of Human Rights
FIP	Fact Investigation Platform
HCAV	Helsinki Citizens' Assembly-Vanadzor
SOGI	Sexual Orientation or Gender Identity
TIAC	Transparency International Anti-corruption Center
UIC	Union of Informed Citizens

Introduction

This COI Focus analyses the current procedures concerning conscription in Armenia and how the legislation is implemented in practice. In addition, Cedoca conducted research on the organisation and conduct of military training for reservists, and motives for exemption. Cedoca also looked into the possibilities of ending criminal prosecution for conscription evasion, existing mechanisms to raise conscription issues or challenge a decision related to the call-up procedure of conscripts or reservists. In addition, Cedoca examined the conduct and possible outcome of criminal cases initiated in connection with the 2020 war. Lastly, Cedoca investigated whether individuals are screened for criminal charges when entering or leaving Armenia, as well as the documents that are checked during this process.

The first chapter describes the course of existing procedures regarding conscription, from initial registration to the time of enlistment. The practical implementation is compared to the legislation in force. Separate subchapters discuss the legal grounds for exemption, deferment, early termination of military service or eligibility for alternative service. Existing mechanisms for raising issues related to the call-up procedure, and their effectiveness, are also discussed. Furthermore, this chapter examines the extent to which conscription can be circumvented through corruption, as well as the public perception of individuals who, lawfully or not, did not fulfil their conscription duties.

The second chapter briefly outlines the legislation relating to reservists, the rules concerning mobilisation of reservists during the enforcement of martial law, including what circumstances entitle them to be exempted from mobilisation or participation in military training. This chapter provides an insight into the mobilisation process during the 2020 war and into the scale of deployment of reservists to the conflict zone. Finally, chapter two describes the frequency, scope and nature of military training for reservists. Such trainings have been organised on a regular basis since the 2020 war in order to improve military skills and knowledge. The call-up procedure of reservists, as well as any obstacles, are discussed here.

The third chapter addresses various topics regarding criminal prosecutions related to military service, including both conscription and crimes committed in connection with the 2020 war. The first part of this chapter outlines the penalties specified in the Criminal Code for various offenses related to military service. Both the old Criminal Code and the new Criminal Code, in force since 1 July 2022, are covered here. The legal requirements for summoning someone in criminal proceedings are also discussed in the first part. It also describes how this is implemented in practice. This part also covers the options available for a defendant from abroad to obtain information about a criminal case in Armenia. The second part of this chapter examines the existing legal procedures and their implementation concerning conscription evasion. It also discusses a change in the law that would allow the termination of criminal proceedings related to evasion of military service. The third part of this chapter looks at the situation regarding criminal cases related to the war in 2020. They include criminal cases against deserters, called-up reservists who failed to report to a military commissariat and others who committed war-related offences. This part provides a general overview of how the Armenian authorities handle criminal cases related to the 2020 war, along with specific examples of cases reported by the Armenian press. The fourth part of this chapter discusses possible problems for witnesses in a military criminal case. The fifth and final part briefly outlines what information on any pending criminal proceedings is checked upon arrival or departure from Armenia.

For this research, Cedoca consulted Armenian legislation on military service and defence, the website of the Armenian Ministry of Defence, the website of the Prime Minister of Armenia, Armenian media outlets, and publications from national and international human rights organizations that report on conscription and human rights in the Armenian military. Additionally, Cedoca reviewed the Dutch

report on military service and mobilisation in Armenia¹ dated 16 January 2023. Cedoca conducted a fact-finding mission to Armenia from 18 to 26 March 2024 to gather information on the aforementioned topics. Cedoca spoke with representatives from various local organisations and agencies that have expertise in conscription, military service, military trials, and the overall human rights situation in Armenia. These include Peace Dialogue, representatives from the Human Rights Defender of Armenia, the Union of Informed Citizens (UIC), Human Rights House Yerevan, the Transparency International Anti-corruption Center (TIAC), and two organisations specialising in human rights in Armenia. The latter wish to remain anonymous for security reasons. This fact-finding mission was undertaken with the financial support of the European Asylum, Migration and Integration Fund (AMIF).

Research for this COI Focus was completed on 17 June 2024.

Additional information on the historical and current context of the conflict between Armenia and Azerbaijan and the situation until early December 2023 is available in the COI Focus Armenia *Huidige situatie in het kader van het conflict met Azerbeidzjan en de overgave van Nagorno Karabach (Current situation in the context of the conflict with Azerbaijan and the surrender of Nagorno-Karabakh)* of 5 December 2023.

¹ *Thematisch ambtsbericht over militaire dienst en mobilisatie in Armenië*

1. Conscription

As of 2023, the Armenian military comprises approximately 42,900 soldiers, the majority of whom are conscripts. Other military personnel serve on a contractual basis. In addition, there are an estimated 210,000 reservists.² After the war with Azerbaijan in November 2020, the Armenian government pledged to professionalise the army, but these reforms have made little progress.³

Until November 2017, conscription in Armenia was governed by the law of 16 September 1998.⁴ It was last amended in June 2014 before being replaced by the Law of the Republic of Armenia on the Status of Military Service and Servicemen, which took effect on 15 November 2017.⁵ The latest amendments to this law were adopted on 22 May 2024 and are in force since 11 June 2024.⁶

Article 19 (§1) of this law states that male citizens are conscripted from the age of eighteen until the age of 27. Men pursuing military training at a higher military educational institution and qualifying as reserve officers are subject to military service until the age of 35. Compulsory military service lasts 24 months. After completing military service, they are accepted into the military reserve (Article 56 §2).⁷ Reasons and procedures for eligibility for deferment or exemption from military service are described in chapters [1.4. Deferral](#) and [1.5. Exemption](#).

Men who have not completed their military service before the age of 27 – or 35 in the case of reserve officers – without a valid reason can, as of 12 February 2024, choose to still perform their military service or pay a financial compensation to the state and perform a partial military service or be exempted depending on the amount. This is endorsed in a new article (19 §1.2.) in the Law of the Republic of Armenia on the Status of Military Service and Servicemen. The same applies to men who acquired Armenian citizenship after the age of 27 and who have not completed military service (Article 19 §1.1.).⁸ Once a person signs up for this option, the criminal case for evading military service, which was automatically initiated on ignoring a call-up to compulsory military service, expires. This legal option can be exercised until the age of 37, or until 45 for reserve officers. After this age, any criminal case for conscientious objection automatically expires due to the statute of limitations. Anyone who signs up for this also ends up in the military reserve (Article 56 §2).⁹ More information on this change in the law can be found in chapter [3.2. Conscription evasion](#).

1.1. Initial registration

Initial registration for conscription takes place at the age of 16. This is done at the military commissariat responsible for the official residence of the future conscript.¹⁰ Armenian citizens residing abroad are required by law to register with the relevant Armenian diplomatic or consular representation as soon as they turn 16. A medical examination is part of the conscription registration

² Military Balance 2024, [url](#); News.am, 14/11/2023, [url](#)

³ Azatutyun, 14/02/2024, [url](#); Hetq, 29/01/2024, [url](#)

⁴ *Law of the Republic of Armenia on Military Service*, 16/09/1998 (latest amendments on 21/06/2014), [url](#)

⁵ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁶ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁷ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁸ ArmInfo (Avanesov A.), 16/01/2024, [url](#); CivilNet, 16/01/2024, [url](#)

⁹ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

¹⁰ *Law of the Republic of Armenia on Military Service*, 16/09/1998 (latest amendments on 21/06/2014), [url](#); HCAV, 12/09/2023, p. 1, [url](#)

process. The parents or legal representatives of the future conscript are entitled to a copy of the results of that medical examination.¹¹ Once pre-registration is completed and the prospective conscript's details are entered in the military register, the person in question receives a military registration card.¹² On starting military service, this is replaced by a military booklet.¹³

Sixteen- to 18-year-old citizens must deposit proof of pre-registration for military service to apply for an Armenian passport. Men of this age group are issued passports valid until the age of nineteen. If, in accordance with the Law of the Republic of Armenia on the Status of Military Service and Servicemen, they are granted a deferment from military service, conscripts will receive a passport for the duration of the deferment obtained.¹⁴

1.2. Conscription

Regional military commissariats are responsible for organising the conscription process. At the age of 18, every conscript listed in the military register receives a summons letter or e-mail from the competent regional military inviting them to appear at the military commissariat for various procedures including a medical examination and the conscription itself (Articles 5 and 20).¹⁵

On 22 May 2024, parliament approved a legislative amendment to Article 20 related to the conscription process. This law has been in effect since 11 June 2024. Until 10 June 2024, a citizen was considered properly conscripted if he had personally signed an acknowledgement of receipt.¹⁶ Upon receipt, he had to report to the competent military commissariat, where he handed in the call-up letter.¹⁷ If he failed to appear during the call-up procedure, which lasted a total of 90 days, a criminal case for denial of service was initiated.¹⁸ It expired once a person started military service.¹⁹ According to Peace Dialogue, if it can be demonstrated that a person was not properly summoned, such as in the case of reservists called up for military training, it is possible to win a denial of service lawsuit.²⁰

The law stipulates that conscription commissions, appointed by the Minister of Defence, may also be assigned the responsibility of calling up conscripts (Article 25).²¹ According to Peace Dialogue, a local human rights organisation specialising in military issues in Armenia, local officials may be enlisted to assist military commissariats during the conscription process. They inform the conscript that he must report to the appropriate military commissariat at a specified day and time. This mainly occurs in small rural municipalities that lack a military commissariat. This practice is lawful on the condition that the call-up letter is handed personally to the conscript and signed by him. If a call-up is conducted solely by telephone, which can happen in villages, it is considered illegal.²² Another source specialising in human rights in Armenia also indicates that there are instances where conscripts are initially contacted by phone, which is not considered legitimate.²³ The Armenian Human Rights

¹¹ HCAV, 12/09/2023, p. 2-3, [url](#)

¹² HCAV, 12/09/2023, p. 2-3, [url](#); USDoS, s.d., [url](#)

¹³ USDoS, s.d., [url](#)

¹⁴ Electronic consular system of the Republic of Armenia, s.d., [url](#)

¹⁵ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

¹⁶ Azatutyun, 12/04/2024, [url](#); Azatutyun (Saribekyan G.), 18/03/2024, [url](#); Ivranan, 25/03/2024, [url](#)

¹⁷ Peace Dialogue, conversation, Vanadzor, 18/03/2024

¹⁸ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

¹⁹ Human Rights House Yerevan, conversation, Yerevan, 25/03/2024

²⁰ Peace Dialogue, conversation, Vanadzor, 18/03/2024

²¹ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

²² Peace Dialogue, conversation, Vanadzor, 18/03/2024

²³ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

Defender or ombuds service is aware of a limited number of situations where conscripts have been called by phone, or when a neighbour has received the notification. Such reports are passed on by the ombuds service to the Ministry of Defence.²⁴

Since 11 June 2024, there are additional official ways to inform a conscript (or reservist) to report to a military commissariat as part of a call-up procedure for conscription or military training (for reservists).²⁵ At present, the Ministry of Defence can call up a conscript or reservist in four different ways, according to a statutory sequence (Article 20).²⁶ The first notification is via an official e-mail, if the person in question has provided an e-mail address. In the absence of an electronic read receipt, the summoned person is considered notified on the fifth day after the e-mail is received. If there is no e-mail address or read receipt, the call-up letter is delivered in person at the official residence or sent by registered mail. If there is still no electronic or written confirmation receipt thereafter, or the person refuses to accept the notification, an extract of the notice is published on the government website 'Azdarar'.²⁷ Conscripts and reservists are able to consult the website during a call-up round to check if their name is listed.²⁸ Whether or not the person read the public online announcement, the person is deemed to have been notified on the tenth day of publication. The full notification procedure will take 30 days, after which criminal proceedings will be initiated if the summoned person fails to show up at the military commissariat.²⁹

According to the Defence Minister, the change in the law is a response to the fact that a significant number of individuals fail to respond to a summons letter due to irregularities in the notification process.³⁰ According to the Defence Minister, 100 call-up letters are sent out in order to summon 10 reservists to participate in military training.³¹ Civilians often intentionally evade receiving said notification, according to the Deputy Defence Minister.³² Armen Khachatryan, a member of the parliamentary committee on Defence and security affairs, explained that when a postman attempts to deliver a summons letter, the recipient is often not at home, out of the country, or simply refuses to open the door. According to Khachatryan, this is a common and easy way to avoid receiving a paper notification.³³ Additionally, some reservists do not respond to a training camp call-up, justifying this by claiming that the training has not yet been officially announced.³⁴ To address this issue, an amendment to the law was introduced that allows military commissariats to begin preparing the call-up procedure at least three months before the official announcement of a military training course, ensuring that the summoned reservists will participate.³⁵ Human rights activist Nazeli Movsesyan of the HCAV is concerned that many legal problems could arise, particularly for men working and living abroad who may be unaware of the notification. They risk facing criminal charges if they return to Armenia.³⁶ According to the parliament's website, before the

²⁴ Delegates of the Armenian Human Rights Defender, conversation, Yerevan, 19/03/2024

²⁵ Azatutyun, 12/04/2024, [url](#)

²⁶ *Law of the Republic of Armenia on amendments and changes to the law on military service and the status of servicemen*, 11/06/2024, [url](#); Epress.am, 22/05/2024, [url](#); 168.am, 22/05/2024, [url](#)

²⁷ Azatutyun, 12/04/2024, [url](#); Parliament of the Republic of Armenia, 10/05/2024, [url](#); Tert.am, 12/04/2024, [url](#)

²⁸ Azatutyun, 18/03/2024, [url](#)

²⁹ Azatutyun, 12/04/2024, [url](#); Epress.am, 22/05/2024, [url](#)

³⁰ Azatutyun, 12/04/2024, [url](#); Tert.am, 12/04/2024, [url](#)

³¹ Epress.am, 22/05/2024, [url](#); Azatutyun, 12/04/2024, [url](#); Hetq, 12/04/2024, [url](#)

³² Parliament of the Republic of Armenia, 10/05/2024, [url](#)

³³ Azatutyun, 18/03/2024, [url](#)

³⁴ Tert.am, 12/04/2024, [url](#)

³⁵ Tert.am, 12/04/2024, [url](#); 168.am, 22/05/2024, [url](#); Hetq, 12/04/2024, [url](#)

³⁶ Epress.am, 22/05/2024, [url](#); Epress.am, 16/04/2024, [url](#)

commencement of the call-up procedure, it will be verified whether the person concerned is in the country. No explanation is provided as to how this verification will be carried out.³⁷

Every citizen eligible for military service is required to report any change of address to the military commissariat responsible for their place of residence or domicile. If a person moves abroad, they must inform the Armenian consulate or diplomatic representation in the country where they are residing. The diplomatic post is responsible for informing Armenian conscripts abroad of their obligation to report to a military commissariat within a specified period (Article 20).³⁸ If the diplomatic representation has not been informed of a conscript's stay abroad, the military commissariat will send a letter to the address known to them.³⁹ In practice, it is rare for Armenian nationals to report their stay abroad to the relevant diplomatic or consular service.⁴⁰

Conscripts are called up twice a year: in summer (May-July) and in winter (November-February).⁴¹ The official announcement specifies the deadline for conscripts to register with the military commissariat responsible for their official residence (Article 20).⁴²

During the call-up period, conscripts can submit to the regional military commissariat the necessary supporting documents to apply for a postponement or exemption from conscription.⁴³ Eligibility requirements are further explained in chapters [1.3. Medical Examination](#), [1.4. Deferral](#) and [1.5. Exemption](#).

1.3. Medical examination

Regional military commissariats are responsible for referring conscripts to the medical examination before they start military service. Based on the medical examination, the regional medical committee prepares a report on the conscript's health status. This report must contain a summary of the health status and determines the degree of fitness for military service. The conclusion may include the following evaluations: fit, limited fitness, temporarily unfit, unfit, or in need of treatment (Article 17).⁴⁴ If the regional medical committee concludes that a conscript is not fit for service, the person in question is referred to the central medical committee which makes a final decision on his fitness for military service.⁴⁵ Every conscript is entitled to a copy of the examination results of his health condition. He can apply for this personally or through a legal representative.⁴⁶

It is possible to challenge the medical committee's conclusion at the Ministry of Defence or in court. This must be done within two months from the date of issuance of the conclusion of the medical examination. Initiating an appeal procedure does not have a suspensive effect (Article 25 §12).⁴⁷ This means that conscripts who file an appeal against a decision on their medical fitness (or other

³⁷ Parliament of the Republic of Armenia, 10/05/2024, [url](#)

³⁸ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

³⁹ HCAV expert on human rights regarding conscription, servicemen and conditions in the military, e-mail, 21/06/2019

⁴⁰ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

⁴¹ HCAV, 14/08/2023, [url](#)

⁴² *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁴³ HCAV, 12/09/2023, p. 15, [url](#)

⁴⁴ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁴⁵ HCAV, 12/09/2023, p. 6, [url](#)

⁴⁶ HCAV, 12/09/2023, p. 6, [url](#)

⁴⁷ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

invoked reasons for a deferment or an exemption) must start their military service pending a court ruling. In practice, these issues can drag on for a long time. For instance, there are conscripts who have already partially or fully completed their military service at the time of the ruling. Two organisations specialising in human rights within the Armenian military hope that in the future the recruitment process will be paused until a court ruling on the matter is issued.⁴⁸

Government order number 404 of 12 April 2018 contains an exhaustive list of illnesses to determine fitness for military service.⁴⁹ This list is regularly updated and, according to a local human rights organisation, is now almost fully compliant with international standards. It is the tool used by medical committees, doctors, and judges to evaluate medical fitness.⁵⁰ If a conscript does not agree with the medical committee's initial assessment, an organisation such as the HCAV can apply to the Ministry of Defence for an additional medical examination. Depending on the outcome of that examination, the medical board, or a judge if the case goes to trial, will make a new decision on medical eligibility. The intervention of the HCAV led to a favourable reassessment in several situations.⁵¹

Both the HCAV and Peace Dialogue point out some shortcomings regarding the implementation and interpretation of the list of illnesses.⁵² Peace Dialogue indicates that, because of frequent adjustments to the list, certain illnesses can cause a person to be declared (temporarily) unfit for military service at one time and then not at another. Thus, there is no guarantee that once the deferral period has expired, you will be assessed as unfit again in the next call-up round for the same medical issues.⁵³ Based on complaints received about the call-up period in summer 2023, the HCAV notes that certain conscripts who were previously deferred because of their health condition were found fit during the new call-up round despite the same persistent health problems. In addition, according to the HCAV, general health status is not always taken into account, for example when a person has multiple illnesses, or if (the severity of) an illness is seasonal. Another finding of the HCAV is that medical staff are not always aware of certain changes to the list of illnesses. The HCAV further observes that several conscripts underwent additional medical examinations in 2023 at their own expense, after which the Central Medical Commission granted them a deferral, either with or without further examination.⁵⁴

In February 2022, MP Hayk Sargsyan of the ruling Civil Contract party claimed that 8,000 to 10,000 people were exempted from conscription every year for health reasons. A member of the opposition party With Honour (Pativ Unem) was of the opinion that approximately half of them were however likely fit for service.⁵⁵ In November 2023, MP Hayk Sargsyan again expressed concern that the number of conscripts effectively serving was decreasing every year, from 44,000 in 2010 to 24,000 in 2019. More recent data are not publicly available.⁵⁶ In January 2024, Prime Minister Nikol Pashinyan, as quoted in an article by the independent Armenian online newspaper Hetq, stated that less than half of the conscripts who are supposed to begin their military service actually do so. Pashinyan suggested that corruption in the medical community and certain individuals in the army may explain fraudulent conscription evasion.⁵⁷ In April 2024, he again mentioned the large number

⁴⁸ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024; Peace Dialogue, conversation, Vanadzor, 18/03/2024

⁴⁹ *Decision N-404 of the Government of the Republic of Armenia*, 12/04/2018 [last modified on 19/04/2024], [url](#)

⁵⁰ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

⁵¹ HCAV, 16/05/2023, [url](#); HCAV, 14/08/2023, [url](#); HCAV, 11/04/2024, [url](#)

⁵² HCAV, 14/08/2023, pp. 18-24, [url](#); Peace Dialogue, conversation, Vanadzor, 18/03/2024

⁵³ Peace Dialogue, conversation, Vanadzor, 18/03/2024

⁵⁴ HCAV, 14/08/2023, pp. 18-24, [url](#)

⁵⁵ Hetq (Ghukasyan S.), 23/02/2022, [url](#)

⁵⁶ News.am, 14/11/2024, [url](#)

⁵⁷ Hetq (Gadarigyan H.), 29/01/2024, [url](#)

of conscripts or reservists exempted from military service on the basis of their health.⁵⁸ The list of illnesses was updated in April 2024. According to the prime minister's website, this update is in response to statistics showing an increasing number of exemptions for various illnesses.⁵⁹

1.4. Deferral

Deferment of military service may be granted for reasons including health conditions, family reasons or higher education. The specific conditions are explained in Articles 22 to 24 of the Law of the Republic of Armenia on the Status of Military Service and Servicemen of 15 November 2017.⁶⁰

The regional military commissariats examine the applications for deferral or exemption and the documents filed for them and formulate a conclusion or proposal in this regard (Article 25).⁶¹

The options for challenging a decision to reject a deferral of conscription are described in chapters [1.3. Medical examination](#) and [1.9. Complaints related to the call-up procedure or military service](#).

1.4.1. Health situation

Under Article 23, military service may be postponed for health reasons if an individual requires medical treatment or is declared temporarily unfit due to their health. For medical treatment, up to three deferrals can be granted for a maximum period of one year. After this, an assessment is conducted to determine whether the person is fit for service or fit with limitations to begin their service. If the person in question is still considered unfit after the end of the third deferment, he is exempted from military service. A person who is declared unfit because of his health condition may be granted a one-time three-year deferral. Afterwards, it is decided whether the person is fit to begin military service or is exempted.⁶² Individuals exempted from military service for health reasons are recorded in the army reserve register, unless they are declared unfit during both peacetime and wartime.⁶³

1.4.2. Family circumstances

Family circumstances that justify the deferral of service are outlined in Article 24. This article includes the provision that a person who is an only child and whose parents are 65 years old or older, or whose parents have a severe disability, may be granted a deferral. The same applies to conscripts with two or more children or with one child growing up without a mother. If the family circumstances based on which a person obtained deferral change, that person loses the right to deferral. If the conditions for entitlement to deferment still apply when the conscript reaches the age of 27 (or 35 in the case of reserve officers), the person is exempted from military service. Those granted a

⁵⁸ Hetq, 12/04/2024, [url](#)

⁵⁹ Prime Minister of the Republic of Armenia, 18/04/2024, [url](#)

⁶⁰ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁶¹ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁶² *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁶³ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#); Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

deferral due to family circumstances are required to file documents at each conscription period showing that their situation is unchanged (Article 24 §8).⁶⁴

1.4.3. Higher education

Deferment due to higher education can be obtained until the person turns 26. Conscripts who have not yet completed their secondary education can be granted deferment until the day they complete their studies. They can do so no later than their 20th birthday. Other conditions related to the studies of a conscript are outlined in Article 22 of the Law of the Republic of Armenia on the Status of Military Service and Servicemen.⁶⁵

1.5. Exemption

Reasons for exemption from military service are set forth in Articles 21, 23 and 24 of the Law of the Republic of Armenia on the Status of Military Service and Servicemen. It is possible to be declared unfit because of health problems and be exempted from military service, as described above. Other reasons leading to an exemption include extraordinary achievements in sport, culture or science. Persons who have acquired Armenian citizenship and have completed at least 12 months of conscription or 18 months of alternative service in another country are also entitled to an exemption from conscription.⁶⁶

Since April 2022, individuals whose parent, brother or sister died during a war or in military operations involving Armenia have the right to be exempted from conscription (Article 21 §1.3).⁶⁷ Those who are eligible and have already commenced their military service at the time the article is enacted will be demobilised following the official publication of the amendment. About 10 to 20 conscripts are eligible for this per call-up period. According to MP Hayk Sargsyan of the ruling Civil Contract party, who is the author of the article, the motivation for passing it is related to the psychological and socio-economic condition of the relatives of fallen soldiers, which leads many to prefer that their sons do not serve in the military.⁶⁸

Another group eligible to be exempted from conscription are queer men who openly express their sexual orientation or gender identity (SOGI). They can invoke a 2018 Ministry of Health decree that stipulates that individuals with personality disorders, including those with non-traditional sexual orientations, are exempted from conscription. This procedure is perceived as humiliating and discriminatory, leading many individuals to opt for military service while trying to hide their SOGI during their time in service. An additional reason for enlisting is related to job opportunities in the labour market. For example, completing military service is a prerequisite for employment in the police or civil service.⁶⁹ Furthermore, the registration of a personality disorder in the electronic health record system (ArMed) may lead to discrimination in healthcare in the future.⁷⁰ Statistics on the number of individuals applying for or obtaining exemptions from military service due to their SOGI are not available. OC-Media, in an August 2023 article, highlighted the risks that queer conscripts

⁶⁴ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁶⁵ Factor.am, 19/04/2021, [url](#); Armen Press, 19/04/2021, [url](#)

⁶⁶ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁶⁷ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#); Arka News Agency, 12/04/2022, [url](#); Azatutyun, 04/03/2022, [url](#)

⁶⁸ Azatutyun, 04/03/2022, [url](#)

⁶⁹ OC-Media (Avetisyan A.), 08/08/2023, [url](#); DiverCity ngo, 28/02/2024, [url](#); DiverCity ngo, 13/03/2024, [url](#)

⁷⁰ HRW, 11/01/2024, [url](#)

face in the army, including exposure to violence and discrimination, due to deeply-rooted homophobia in Armenia.⁷¹

1.6. Recruitment

Conscripts are assigned to military units through a centrally organised lottery system. According to the law, the educational level and physical aptitude of the conscript are taken into account (Article 26).⁷²

At the start of conscription, recruits undergo military training before taking a military oath. During training, recruits cannot be deployed in combat or military operations. Furthermore, the law stipulates that conscripts, unless they choose otherwise, cannot participate in combat or military operations during their mandatory service if they meet certain conditions: they are the only child of parents over 63 years old or of a parent with a moderate or severe disability; someone whose parents, brother, or sister died while serving in the Armenian military; someone who is married and has a child; someone whose both parents are deceased; or someone whose parent has died and who is the only (adult) child in the family (Article 26).⁷³

In practice, conscripts first undergo military training for five to six months before they are sent to the border to continue their service.⁷⁴ During the 2020 war, conscripts did fight in Nagorno-Karabakh⁷⁵ without thorough preparation. This includes conscripts who had just started their service.⁷⁶

Upon enlistment, the commander of a military unit registers the conscript in the military unit's personnel file. Conscripts are given the rank of soldier at the outset, but may move up in rank during military service (Article 27).⁷⁷

It is possible to apply for a transfer to another military unit through the Minister of Defence. This may be authorised on the basis of, among other things, the needs of the military unit, family circumstances or the conscript's health (Article 27).⁷⁸

⁷¹ OC-Media (Avetisyan A.), 08/08/2023, [url](#)

⁷² *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁷³ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁷⁴ Peace Dialogue, conversation, Vanadzor, 18/03/2024; Delegates of the Armenian Human Rights Defender, conversation, Yerevan, 19/03/2024

⁷⁵ Nagorno-Karabakh (referred to as Karabagh in Azeri) has been a de facto independent region for many years, officially belonging to Azerbaijan. However, since the 1990s, it has been effectively governed from its own capital, Stepanakert (Khankendi in Azeri), by ethnic Armenians residing there. Since the surrender of the de facto authorities on 20 September 2023, following an Azerbaijani offensive in the region the day before, Azerbaijani authorities have regained control of Nagorno-Karabakh. All but a dozen ethnic Armenians have left the region. Armenian sources regularly refer to the Republic of Artsakh in news reports about the region. For more information on this, see *COI Focus Armenië. Huidige situatie in het kader van het conflict met Azerbeidzjan en de overgave van Nagorno Karabach* (5 December 2023).

⁷⁶ Peace Dialogue, conversation, Vanadzor, 18/03/2024; Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

⁷⁷ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁷⁸ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

Upon enlistment, the military booklet is handed over to the commander of the military unit. Conscripts will not receive another military identification document as a replacement during their military service. When they go on leave, they receive their military booklet.⁷⁹

Conscripts are entitled to ten days of leave during their military service. Additional leave may be granted for reasons including family circumstances or illness. Regular leave cannot be taken during the first five months of military service (Article 28 §4).⁸⁰

1.7. Alternative military service

Armenian law provides the possibility for conscripts to perform alternative service in case of conscientious or religious objections. The conditions and procedures are outlined in the Law on Alternative Service of 17 December 2003.⁸¹

Those who are eligible for alternative service can opt for 30-month military service without carrying, maintaining or using weapons. Another option is an alternative civilian service lasting 36 months.⁸² This could include assignments as a social worker, street sweeper, gardener, rubbish collector, maintenance worker, nurse, ambulance driver, caretaker, postman, or office worker.⁸³ Since 2013, this law has been effectively applied almost exclusively to Jehovah's Witnesses who opt for civilian service. Forum 18, a partner organisation of the Norwegian Helsinki Committee that reports on the right to freedom of religion and belief worldwide, reported in February 2024 that hundreds of Jehovah's Witnesses have completed alternative civilian service in Armenia since 2013 instead of fulfilling compulsory military service. They face no problems in the application process, according to Forum 18.⁸⁴

In October 2023, a court in Yerevan sentenced a Baptist to a two-year prison term for evading conscription or alternative service under Article 461 §1 of the new Criminal Code for 'evading conscription, alternative military service or call-up'. Shortly after the criminal case was initiated, the man was subjected to an exit ban as a preventive measure. This person had applied several times for alternative service but was unsuccessful each time. The Alternative Military Service Commission, which evaluates applications for alternative service, determined that his application contained conflicting elements and indications of opportunistic motives.⁸⁵ Forum 18 quotes a human rights activist from the Eurasia Partnership Foundation questioning the competences of the Alternative Military Service Commission in terms of their judgement in determining eligibility for alternative service. This commission consists mainly of deputy ministers from different ministries who, according to the expert, do not have sufficient knowledge on human rights and minority issues. Only one person on the committee has expertise in religious freedom.⁸⁶ An established organisation in Armenia also points to shortcomings in the procedure for examining whether conscientious objections are genuine. The primary method of verifying this involves questioning neighbours and monitoring the individual to see if they visit places of worship and attend ceremonies.⁸⁷

⁷⁹ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

⁸⁰ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

⁸¹ *Law on Alternative Service*, 17/12/2003 (latest amendments on 14/03/2024), [url](#)

⁸² Forum 18 (Corley F.), 08/02/2024, [url](#)

⁸³ Anonymous source via Ministerie van Buitenlandse Zaken van Nederland, 16/01/2023, p. 22, [url](#)

⁸⁴ Forum 18 (Corley F.), 08/02/2024, [url](#)

⁸⁵ Forum 18 (Corley F.), 09/11/2023, [url](#)

⁸⁶ Forum 18 (Corley F.), 08/02/2024, [url](#)

⁸⁷ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

In February 2024, the Court of Appeal in Yerevan rejected the Baptist's appeal, a decision that Forum 18 said contradicts previous European Court of Human Rights (ECHR) rulings against Armenia. Pending the verdict of an appeal to the Supreme Court, the man has not been sent to prison yet. According to Forum 18, this person is the only conscientious objector who risks imprisonment for conscientious objection in Armenia. Forum 18 further notes that none of the commissioners or judges involved can provide an explanation as to why his conscientious objections do not make him qualify for alternative service.⁸⁸ At the time of writing this COI Focus, no information was available on a final ruling in this case.

According to Forum 18, there are also two known cases of Molokans, a Christian minority that originated in the 18th-century Russian Empire, who have been denied alternative service in recent years and subsequently faced criminal prosecution for conscientious objection. One of these cases dates from 2018 and resulted in a two-year prison sentence in 2019. When the case was returned to the court of first instance in 2023 following an appeal to the Court of Cassation, the court ruled that the case was time-barred. The second individual was sentenced to one year in prison in May 2021 for evading military service in 2016. In August 2021, he was granted amnesty after serving three months. Forum 18 notes that only Jehovah's Witnesses have been eligible for alternative service in recent years, something a member of the Alternative Military Service Commission denies.⁸⁹

During the March 2024 fact-finding mission to Armenia, Cedoca questioned several contacts about the possibility for non-Jehovah's Witnesses to perform alternative military service in case of religious or conscientious objections, e.g. for pacifists. Several sources indicated that this should be possible in theory, but did not know of any concrete examples.⁹⁰ Delegates of the Armenian Human Rights Defender and an organisation specialising in human rights in the Armenian military responded that they had not received any complaints about this.⁹¹

1.8. Voluntary military service for women

Women have been allowed to volunteer for military service since June 2023.⁹² Article 19.1 of the Law of the Republic of Armenia on the Status of Military Service and Servicemen states that they must apply for this at the military commissariat competent for the region where they are officially domiciled. Women entering voluntary service must also undergo a medical examination to determine their aptitude. At the next call-up period, they will receive an official call-up letter to start military service, which lasts six months.⁹³

1.9. Complaints related to the call-up procedure or military service.

For complaints concerning the call-up procedure of conscripts (or reservists) or other problems within the framework of military service, one possibility is to appeal to the Human Rights Defender of Armenia. This body monitors the course of the call-up procedure, including the work of the medical

⁸⁸ Forum 18 (Corley F.), 08/02/2024, [url](#)

⁸⁹ Forum 18 (Corley F.), 08/02/2024, [url](#)

⁹⁰ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024; Delegates of the Armenian Human Rights Defender, conversation, Yerevan, 19/03/2024; Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

⁹¹ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024; Delegates of the Armenian Human Rights Defender, conversation, Yerevan, 19/03/2024

⁹² EVN report (Simonyan A.), 12/06/2023, [url](#)

⁹³ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#); EVN report (Simonyan A.), 12/06/2023, [url](#)

committee and the medical examination process.⁹⁴ The ombuds service has a specialised department dealing with human rights of conscripts and their families. This service is available 24/7 via a hotline (number 116).⁹⁵ It is also possible to file a complaint as a conscript or soldier through an internal procedure at the Ministry of Defence, with or without the help of a lawyer. In each military unit, there are posters with information about agencies that can be contacted in case of problems.⁹⁶

Most complaints received by the Human Rights Defender from conscripts during the call-up period in summer 2023 concerned the medical examination and decisions on postponement based on, among other things, family circumstances. The ombuds service cannot itself refer cases to court, but it can give advice or contact the relevant authorities and make recommendations. An intervention by the ombuds service may result in an additional medical examination and reassessment of medical fitness. This may cause a conscript to be exempted, deferred or found fit with restrictions.⁹⁷ According to Human Rights Defender delegates, nearly 80 % of their recommendations regarding complaints about the call-up process are acted upon. Response time depends on the urgency of the situation. In the case of ill treatment or mistreatment, the Human Rights Defender contacts the appropriate authority as soon as possible so that action can be taken as soon as possible. Health issues are also considered urgent. Following a call on the hotline, a monitoring group from the ombuds service immediately goes on site, then makes recommendations based on their observations to the relevant agencies.⁹⁸

There are also several local NGOs specialising in human rights in the military, such as HCAV and Peace Dialogue. They provide free legal assistance and, if they assess that a person has valid reasons to qualify for deferment or exemption from military service, they can request a re-evaluation of the reasons invoked from the competent authorities or challenge a decision through administrative or legal proceedings. A significant portion of the complaints received are related to the assessment of the medical committee (see chapter [1.3 Medical Examination](#)). These NGOs can also assist with other problems related to military service or raise the issues with the appropriate authorities.⁹⁹ Conscripts are no longer afraid of filing appeals, unlike seven to eight years ago. According to a local human rights organisation, there has been a trend in recent years of appealing decisions regarding military service call-ups.¹⁰⁰

During the call-up periods in the winter of 2021 and in the summer and winter of 2022, a total of 70 conscripts sought legal assistance from the HCAV. During that period, the intervention of the HCAV resulted in a favourable reassessment in 13 cases, mostly related to medical problems. During the summer of 2023 alone, the HCAV registered 66 applications, a majority of which were related to complaints about the medical examination or its assessment.¹⁰¹

The filing of a complaint against a decision of the competent conscription commission, medical commission or military commissariat does not lead to a postponement of recruitment until there is a ruling on the complaint (Article 25 §5).¹⁰²

⁹⁴ Human Rights Defender of Armenia, 10/01/2024, [url](#)

⁹⁵ Human Rights Defender of Armenia, 04/08/2023, [url](#)

⁹⁶ Delegates of the Armenian Human Rights Defender, conversation, Yerevan, 19/03/2024

⁹⁷ Human Rights Defender of Armenia, 04/08/2023, [url](#)

⁹⁸ Delegates of the Armenian Human Rights Defender, conversation, Yerevan, 19/03/2024

⁹⁹ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024; Peace Dialogue, conversation, Vanadzor, 18/03/2024

¹⁰⁰ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

¹⁰¹ HCAV, 14/08/2023, [url](#)

¹⁰² *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

Harassment and non-combat deaths are a persistent grievance in the army, despite promises by the government to address these problems.¹⁰³ In 2023, 83 soldiers died in the military, with 19 of them killed in ceasefire violations. In 2022, there were a total of 64 deaths, 14 of which were military personnel killed in ceasefire violations. In the other situations, deaths are due to suicide (or incitement to suicide), health problems and car accidents, among others.¹⁰⁴

The number of non-combat deaths along with disciplinary issues in the military are also a major concern for a local human rights organisation. During Cedoca's March 2024 fact-finding mission, a representative of the organisation explained that although there are problematic situations in the military a lot of people complete their military service without any problems. Although there are certain units with problematic commanders, the source indicates that this cannot be generalised as a widespread issue. According to the representative, the general conditions in the military are not so poor that they would deter individuals from enlisting.¹⁰⁵

For complaints regarding situations where personal safety is at risk, such as harassment in a military unit or undue pressure, it is possible to request a transfer to another military unit. A local human rights organisation knows of several such situations in which the organisation itself intervened and a transfer took place.¹⁰⁶

More information on violence in the military and the authorities' approach to it can be found in the *COI Focus Armenia. Violence against conscripts within the Armenian military* of 4 July 2023.

1.10. Avoiding conscription through bribery

Several instances of fraudulent practices aimed at evading military service emerged in 2019-2021, as well as in the preceding years. Most situations involved falsification of medical documents against payment of sums ranging from \$2,000 to \$15,000. Armenian press outlets reporting on these cases pointed to the involvement of a variety of actors. Both high-ranking figures in the military, regional military commissariats, medical commissions and specialised physicians were indicted on suspicion of fraud during this period.¹⁰⁷ Following a new case of fraud in conscription evasion in April 2021, Armenia's National Security Service said it will continue to investigate corrupt practices in various agencies with the aim of eliminating corruption.¹⁰⁸ Cedoca found no information on the conduct or outcome of these criminal cases in the sources consulted within the timeframe of this study.

In 2019, columnist Mamikon Babayan wrote an article in *Vestnik Kavkaza* about how young men evade conscription. He argued that well-to-do people pay bribes to members of the military's registration committee to have their healthy son declared medically unfit or pay bribes to get a deferment of conscription due to purported higher education. In these cases, the call-up letter may not even reach the conscript. According to Babayan, this practice is unaffordable for ordinary citizens as the middle class is virtually non-existent and the majority of the population is poor.¹⁰⁹

¹⁰³ Azatutyun (Galstyan S.), 10/01/2024, [url](#); Hetq (Gadarigyan H.), 29/01/2024, [url](#); Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

¹⁰⁴ HCAV, 06/02/2024, [url](#)

¹⁰⁵ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

¹⁰⁶ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

¹⁰⁷ ArmInfo, 24/05/2019, [url](#); Armen Press, 09/08/2019, [url](#); National Security Service of the Republic of Armenia, 15/08/2019, [url](#); Panorama.am, 15/08/2019, [url](#); Panorama.am, 04/02/2020, [url](#); Hetq, 04/02/2020, [url](#); News.am, 27/05/2020, [url](#); National Security Service of the Republic of Armenia, 26/04/2021, [url](#); Hetq, 28/09/2021, [url](#)

¹⁰⁸ National Security Service of the Republic of Armenia, 26/04/2021, [url](#)

¹⁰⁹ Vestnik Kavkaza (Babayan M.), 26/03/2019, [url](#)

As regards the period 2022-2024, Cedoca was unable to find any concrete examples of fraudulent practices to evade conscription in Armenia in the sources consulted for this study. In January 2024, Pashinyan made a general reference to the potential corrupt cooperation between medics and the military in the issuance of fraudulent documents to evade conscription. He made this statement in response to the fact that nearly half of the conscripts called up do not commence their service due to health problems (see chapter [1.3. Medical Examination](#)).¹¹⁰ According to a Peace Dialogue representative, there are two possible explanations for this. On one hand, it is theoretically possible that half of the conscripts genuinely have health problems, considering the significant number of individuals in Armenia with serious health issues, including young people experiencing psychological problems as a result of the war. Conversely, there is a possibility that individuals could secure a deferral or exemption by offering bribes. Fearing a potential escalation in the post-war context, parents are willing to employ any means necessary to prevent their sons from being sent to the military. However, since the revolution in April 2018, it has become more difficult to bribe officials in a military commissariat.¹¹¹ A UIC representative confirmed this, explaining that bribery to avoid conscription was institutionalised before 2018. Now those guilty of corruption risk criminal prosecution. Although there are now greater risks associated with corruption to evade conscription, it still occurs. There are several ways this can be done: bribing a doctor in exchange for medical documents or paying a bribe to a military commissariat to avoid being sent to a border post.¹¹² Conscripts who fraudulently try to avoid military service may also face criminal prosecution (see chapter [3.1. Legal framework](#)).¹¹³

1.11. Public perceptions of individuals who did not complete military service.

When asked during the March 2024 fact-finding mission in Armenia about public perceptions of individuals who did not complete their military service, several contacts reported that they were not aware of any difficulties or issues faced by these individuals. The Human Rights Defender has not registered any complaints in this regard.¹¹⁴ Peace Dialogue also states that there are no problems with public perception of people who did not perform military service, including of those who illegally evaded it.¹¹⁵ Neither source is aware of any problems for family members of draft evaders.¹¹⁶ The Human Rights Defender is not aware of situations where relatives of draft evaders were targeted by the authorities.¹¹⁷

A representative of an organisation with expertise in human rights in Armenia gives a more nuanced answer on how society views people who have not completed their military service. The representative believes that it is a controversial topic and that perceptions about it have changed over the years. People who failed to complete their military service without legitimate reasons may experience difficulties. It can also be a sensitive issue for individuals in official positions, such as politicians or members of parliament (MPs), regardless of whether they had legitimate reasons for not completing their military service. However, according to this source, it is becoming less common for individuals to be criticised for not completing their military service. The situation was different

¹¹⁰ Hetq (Gadarigyan, H.), 29/01/2024, [url](#)

¹¹¹ Peace Dialogue, conversation, Vanadzor, 18/03/2024

¹¹² UIC, conversation, Yerevan, 21/03/2024

¹¹³ *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#); *Criminal Code of the Republic of Armenia*, 05/05/2021 (laatste amendementen 12/04/2024), [url](#)

¹¹⁴ Delegates of the Armenian Human Rights Defender, conversation, Yerevan, 19/03/2024

¹¹⁵ Peace Dialogue, conversation, Vanadzor, 18/03/2024

¹¹⁶ Delegates of the Armenian Human Rights Defender, conversation, Yerevan, 19/03/2024; Peace Dialogue, conversation, Vanadzor, 18/03/2024

¹¹⁷ Delegates of the Armenian Human Rights Defender, conversation, Yerevan, 19/03/2024

ten to fifteen years ago. At that time, it was common to criticise individuals for not completing their military service. Currently, there is a trend where financially stable and healthy individuals are employing various means to avoid having to serve in the military themselves or to prevent their sons from doing so. According to this source, the main consequence for someone who has not completed military service is that they are unable to work in law enforcement agencies in Armenia. It is however possible to be employed in other public services. Another implication is that even after paying financial compensation to terminate criminal proceedings for refusing military service, the case does not disappear from the criminal record.¹¹⁸

¹¹⁸ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

2. Reservists

2.1 Legal framework

The Constitution of the Republic of Armenia states that every citizen is obliged to participate in the defence of the country in accordance with the law (Article 14).¹¹⁹ The Law of the Republic of Armenia on the Status of Military Service and Servicemen of 15 November 2017 stipulates that reservists may be called up to participate in military training in times of peace with the aim of improving the military capabilities of the Armenian reserve army (Articles 56 & 58). During such training, reservists can be deployed in combat situations if necessary. Military exercises are also organised to check the military's state of readiness (Article 58). Reservists may also be called up in times of war (Article 56).¹²⁰ The Law of the Republic of Armenia on the Status of Military Service and Servicemen of 15 November 2017 regulates the organisation of the mobilisation of the army, as well as the rights and duties of citizens in the defence of the country.¹²¹

All categories of persons included in the military reserve are listed in Article 56 of the Law of the Republic of Armenia on the Status of Military Service and Servicemen. They include civilians who have completed their compulsory military service or alternative service. Also included in the army reserve register are individuals aged between 27 and 37 (or 35 and 45 in the case of reserve officers) who have paid financial compensation in accordance with Article 19 §1.1 and §1.2 of the law dated 15 November 2017 to partially or fully exempt themselves from military service based on the amount paid. This also applies to persons who have in the past paid a commutation fee in accordance with the law of 17 December 2003¹²² for citizens who did not complete their military service in violation of the law (see chapter [3.2 Conscription evasion](#)). In addition, persons exempted from military service are also included in the military reserve, with the exception of those declared as unfit in both times of peace and war because of their health conditions. Men and women who have served in the army on a contractual basis are also included in the military reserve, along with former members of the police, the national security service, the penitentiary service, and the rescue service, which is responsible for protecting the population during emergencies. The list of reservists include some other groups and may be further expanded to include categories of persons included in the military register based on the law.¹²³

Reservists are divided into two groups based on their age and into two subcategories based on their military training level (Article 57). For example, reservists with military experience belong to the first subcategory. Reservists in the second subcategory have no or little experience in the military as they have not completed their military service or have not completed it in full. When a reservist reaches the age limit of the first group, they automatically move into the second reserve group.¹²⁴

Ordinary soldiers and non-commissioned officers in the first reserve group may be summoned up to four times for a maximum of three months each time, but not for more than three months in a single

¹¹⁹ *Constitution of the Republic of Armenia*, 05/07/1995 [latest amendments on 26/06/2020], [url](#)

¹²⁰ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

¹²¹ *Law of the Republic of Armenia on Defence*, 15/11/2017 [latest amendments on 01/04/2024], [url](#)

¹²² This law has been renewed several times, but since 31 December 2019 it is no longer in force cf. *Law of the Republic of Armenia on citizens who failed to complete compulsory military service through violation of the established procedure*, 17/12/2003 (latest amendments on 25/03/2019), [url](#)

¹²³ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

¹²⁴ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

year. High-ranking officers (except the highest-ranking officers) may be summoned up to twice a year for a maximum of three months each time (Article 59 §2).¹²⁵

Ordinary soldiers and non-commissioned officers of the second reserve group can be summoned up to six times for a maximum of three months, but not more than three months in a year. High-ranking officers (except the highest-ranking officers) may be summoned up to three times a year for up to two months, but not more than two months per year (Article 59 §3).¹²⁶

Discharged conscripts may be called up to participate in military training at the earliest one year after completing their service (Article 59 §5).¹²⁷

The military commissariat responsible for the reservist's place of residence summons reservists by letter or e-mail to participate in military training. The individual must then undergo a medical examination (Article 59 §6). During the entire training period, the individual is considered a member of the military and is registered in the personnel file of the military unit. He will also receive an official salary and have access to supplies such as weapons, ammunition, and a uniform (Article 59 §7).¹²⁸ All persons called to participate in a training session retain their job. Failure by an employer to comply with this will have legal consequences (Article 59 §9).¹²⁹

Reasons for exemption from participation in military training or mobilisation are outlined in Article 29 §2 of the Law of the Republic of Armenia on Defence of 15 November 2017.¹³⁰ Until 7 July 2022 exemptions only applied to individuals declared unfit after a medical examination, individuals with four or more children, or MPs. Exemptions may also be granted based on a decision by the authorities.¹³¹ On 7 July 2022, the list of reasons was expanded following a change in the law.¹³² In addition to the above, the following individuals also enjoy exemptions: members of the government, judges, members of the Central Election Commission, the Human Rights Defender, persons whose parents are over 65, have a disability or have been declared legally incapacitated and who are an only child (or with a minor sibling, or sibling with a disability). Additionally, individuals who are the sole carer for their child(ren) or for their minor or disabled sibling are entitled to an exemption.¹³³

A person who refuses to participate in a training, fails to respond to a mobilisation call, or leaves his military unit is subject to criminal prosecution (Article 59 §10) (see chapter [3. Criminal prosecution in the context of military service](#)).¹³⁴

¹²⁵ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

¹²⁶ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

¹²⁷ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

¹²⁸ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

¹²⁹ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

¹³⁰ Human Rights Defender of Armenia, 30/08/2021, [url](#); *Law of the Republic of Armenia on Defence*, 15/11/2017 [latest amendments on 01/04/2024], [url](#)

¹³¹ HCAV, 28/09/2020, [url](#); Human Rights Defender of the Republic of Armenia, 31/08/2021, [url](#)

¹³² *Law of the Republic of Armenia on amendments to the law on Defence*, 07/07/2022, [url](#)

¹³³ HCAV, 12/09/2023, pp. 28-29, [url](#); *Law of the Republic of Armenia on Defence*, 15/11/2017 [latest amendments on 01/04/2024], [url](#)

¹³⁴ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

2.2. Mobilisation in 2020

When fierce fighting erupted on 27 September 2020 at the *line of contact*—the long-standing, highly militarised border between Nagorno-Karabakh and Azerbaijan—the government, along with Azerbaijan and Nagorno-Karabakh, proclaimed martial law with immediate effect. Under Armenian law, this entails a general mobilisation of troops, the drawing-up of a plan to deploy the troops and the drafting of officers and reservists under the age of 55.¹³⁵ The imposition of martial law was accompanied by a ban on travel outside Armenia for men between the ages of 18 and 55. Leaving Armenia was only permitted with a written agreement from the competent regional military commissariat.¹³⁶

After the ceasefire agreement on 10 November 2020, the government delegates did not immediately lift martial law because soldiers had to be relieved at the new land borders with Azerbaijan. Martial law allows Armenian authorities to mobilise reservists. It is unclear to what extent this actually occurred after the ceasefire.¹³⁷ The Armenian government decided on 10 November 2020 to switch from general to partial mobilisation and to start demobilisation of conscripts on 25 December 2020.¹³⁸ From 3 December 2020, several restrictions under martial law were lifted, including the travel ban for men aged between 18 and 55.¹³⁹ Martial law in Armenia was not lifted until 24 March 2021.¹⁴⁰

On the first day of fighting, authorities called on reservists to join the fighting.¹⁴¹ For example, on 27 September 2020, Pashinyan used Facebook to call on reservists and military personnel to report to their regional military commissariats.¹⁴² Ten thousand volunteers signed up on the first day.¹⁴³ Although the Ministry of Defence initially stated that there was no need for volunteers at the moment, on 28 September 2020, a spokesman from the same ministry requested that all volunteers report to their regional commissariats, which are responsible for organising the mobilisation.¹⁴⁴ They were assisted by local authorities, whose staff filled out call-up letters using the call-up lists provided by the military commissariats. Military commissariats also received assistance from municipal officials in handing out these letters, either at home or at work.¹⁴⁵ There were also reports of war veterans assisting in the organisation of mobilisation and the selection of volunteers.¹⁴⁶

On 5 October 2020, Pashinyan asked all men who completed their military service during the past year to voluntarily present themselves at the military commissariat. Although the law exempts them for the first 12 months after completing their military service in the event of a general mobilisation, Pashinyan stated that they were the most needed at the front due to their recent training.¹⁴⁷ His own son, 20 year-old Ashot Pashinyan, who ended his military service in June 2020, set an example by volunteering on 5 October 2020.¹⁴⁸ In October 2020, Pashinyan once again used social media to call on all mayors, municipal councils, political parties, NGOs, and civic initiatives to form additional

¹³⁵ Jam News, 27/09/2020, [url](#)

¹³⁶ Sputnik Armenia, 28/09/2020, [url](#)

¹³⁷ Azatutyun, 02/12/2020, [url](#)

¹³⁸ Armen Press, 10/12/2020, [url](#); Public Radio of Armenia (Ghazanchyan S.), 24/12/2020, [url](#); Arka News Agency, 24/12/2020, [url](#)

¹³⁹ Aravot, 04/12/2020, [url](#); Jam News, 03/12/2020, [url](#)

¹⁴⁰ RFE/RL, 24/03/2021, [url](#)

¹⁴¹ Eurasianet (Mejlumyan A.), 30/09/2020, [url](#)

¹⁴² MassisPost, 27/09/2020, [url](#)

¹⁴³ Armen Press, 27/09/2020, [url](#)

¹⁴⁴ Armen Press, 28/09/2020, [url](#)

¹⁴⁵ Anonymous source via Ministerie van Buitenlandse Zaken van Nederland, 16/01/2023, p. 15, [url](#)

¹⁴⁶ Eurasianet (Winslow M.), 16/10/2020, [url](#)

¹⁴⁷ Sputnik Armenia, 05/10/2020, [url](#)

¹⁴⁸ Novoye Vremya, 05/10/2020, [url](#)

military volunteer units to defend the country. These volunteer units could then operate under the guidance of the general staff of the Armenian military.¹⁴⁹

A military expert from the HCAV, contacted in December 2021, highlighted that the mobilisation campaign during the war was poorly organised, resulting in legal procedures not always being followed. According to Armenian law, a call-up letter for reservists must be delivered in person and signed by the recipient. It is also permissible to call up someone via e-mail, although this is not common practice. In practice, many were called by phone and instructed to go to the military commissariat, only to be told upon arrival that they would be informed later about when to sign up. There were instances where individuals later discovered they had been charged with draft evasion, despite having enlisted but being sent away. This, according to the expert, is presumably due to the fact that the military commissariats were not prepared for this unexpected amount of work. They were poorly organised and also lacked resources. According to the HCAV, this is further evidenced by the fact that some individuals who did fight never had their participation officially recorded. They sought assistance from the HCAV to address this issue.¹⁵⁰ The only legal way to call someone up (until 11 June 2024) was to deliver the call-up letter in person, requiring the recipient to sign the letter confirming receipt, or to obtain a read receipt if the call-up was sent via e-mail. If this did not occur, there is no legal basis to charge or criminally prosecute the individual.¹⁵¹

During Cedoca's fact-finding mission to Armenia in March 2024, several sources highlighted the chaotic nature of mobilisation during the 2020 war.¹⁵² This included poor instructions on the location to which volunteers and called-up reservists were to report and insufficient information on their duties. They were also not given proper orders and were unfamiliar with the terrain. Furthermore, many were inadequately prepared psychologically, physically and technically. Many had had no military experience for 10 to 15 years.¹⁵³

There is no public information on the number of called-up reservists deployed during the 44-day war in relation to the number of conscripts, contractors and volunteers. Various sources indicated that the deployment of reservists was limited, with primary reliance placed on volunteers and active-duty soldiers, including conscripts. Some high-ranking figures in the Armenian military and in the Nagorno-Karabakh army revealed after the war that the limited number of reservists contributed to the loss of the Armenian side in the conflict. Movses Hakobyan, a former Colonel General in the army, accused the government of mismanagement during the war. He did so at a press conference on 19 November 2020, a day after his resignation. Among other things, Hakobyan criticised the limited military resources and Pashinyan's decision not to send reservists but volunteers to the front.¹⁵⁴ According to Hakobyan, Pashinyan stopped sending reservists to the front after the third day of the war.¹⁵⁵ Davit Tonoyan, the Defence minister during the war, and Samvel Babayan, the former secretary of the Nagorno-Karabakh Security Council, both complained of a lack of military equipment. According to EVN report, an independent analytical Armenian online magazine, this may explain why the Armenian reserve army was never fully deployed.¹⁵⁶ According to Babayan, there were enough reservists in the first phase of the war, but not afterwards. He was also critical of the

¹⁴⁹ OC-Media, 21/10/2020, [url](#); AP News, 21/10/2020, [url](#)

¹⁵⁰ HCAV expert on human rights regarding conscription, servicemen and conditions in the military, e-mail, 27/12/2021

¹⁵¹ HCAV expert on human rights regarding conscription, servicemen and conditions in the military, e-mail, 29/12/2021

¹⁵² Peace Dialogue, conversation, Vanadzor, 18/03/2024; Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

¹⁵³ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

¹⁵⁴ Institute of Armenian Studies, 19/11/2020, [url](#); BBC, 19/11/2020, [url](#)

¹⁵⁵ Azatutyun (Badalyan S.), 21/12/2020, [url](#)

¹⁵⁶ EVN report (Kanadyan H.), 28/12/2020, [url](#)

way reservists were deployed.¹⁵⁷ The ANI Armenian Research Center wrote a month after the war that the Armenian side had to fight with volunteer units against an army that, unlike the Armenian military, was prepared and equipped to twenty-first century standards. Consequently, conditions at the front, including inadequate resources and insufficient preparation, contributed to desertion.¹⁵⁸ According to Emil Sanamyan, reporter for CivilNet and the Institute for Armenian Studies, figures on the number of fatalities on the Armenian side also seem to confirm that the Armenian military received little support from reservists.¹⁵⁹

Those who had not completed their military service could theoretically have been called up as reservists during the 2020 war unless they had been declared medically unfit for service in both peace and wartime. A local organisation specialising in human rights within the Armenian military reported being unaware of any cases where individuals who never completed their military service were called up in 2020. Although it is possible that individuals rated as "fit with restrictions" were called up, most were volunteers who chose to enlist during the war. If a person who was deemed medically unfit under all circumstances was still required to participate, it would constitute a breach of the law.¹⁶⁰

The Ministry of Defence has information on individuals who participated in the 2020 war only if they registered in advance with a military commissariat. Those who left for the front without registering are not included in the Ministry of Defence's database. According to the HCAV, it is not known how many people this concerns.¹⁶¹ Those who were not registered may face difficulties in receiving financial compensation for their injuries, potential disability, and medical treatment.¹⁶² The same applies to relatives of fallen and missing soldiers who were not registered.¹⁶³ Volunteers were generally required to register with a military commissariat, but this did not always happen. Peace Dialogue explains that in order to claim financial compensation, they have to prove that they took part in the fighting. According to the NGO, this is not always easy because there are no authorities to confirm it, the military unit no longer exists, the commander may have been killed or documents have been destroyed, burnt or left behind in Nagorno-Karabakh. In some situations, the authorities refuse to register participation in the war retrospectively, possibly because it means they do not have to pay financial compensation.¹⁶⁴

Both the HCAV and Peace Dialogue are aware of instances where the military records of individuals who fought in 2020 have been inaccurately filled in.¹⁶⁵ Information is missing or has not been entered. For example, the HCAV received a report from an individual whose military record only lists his participation in the fighting, with no additional information provided. In another instance, the record only includes the comment "driver," without acknowledging that his role as a driver constitutes participation in combat activity. Furthermore, the organisation is aware of numerous cases where reservists and volunteers were deployed to the front lines without prior military training. The HCAV also highlights instances where reservists were assigned tasks with which they were unfamiliar. Additionally, the HCAV is aware of a case where an individual who participated in the war was mistakenly listed as having ignored a mobilisation call due to a careless registration process. The HCAV provides legal assistance in these types of situations.¹⁶⁶

¹⁵⁷ CivilNet, 14/12/2020, [url](#)

¹⁵⁸ ANI Armenian Research Center (Harutyunyan V.), 17/12/2020, [url](#)

¹⁵⁹ Institute of Armenian Studies (Sanamyan E.), 08/01/2021, [url](#); CivilNet (Sanamyan E.), 02/01/2021, [url](#)

¹⁶⁰ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

¹⁶¹ HCAV, 27/03/2021, [url](#)

¹⁶² Jam News, 10/02/2021, [url](#); Peace Dialogue, conversation, Vanadzor, 18/03/2024

¹⁶³ Jam News, 10/02/2021, [url](#)

¹⁶⁴ Peace Dialogue, conversation, Vanadzor, 18/03/2024

¹⁶⁵ HCAV, 27/03/2021, [url](#); Peace Dialogue, conversation, Vanadzor, 18/03/2024

¹⁶⁶ HCAV, 27/03/2021, [url](#)

The HCAV also received various complaints during and after the war regarding, among other issues, the mandatory medical examination for mobilised reservists as stipulated in Government Order No. 404 (see chapter [1.3 Medical Examination](#)). This medical examination was often not thorough enough during the war, and there were cases of civilians who enlisted without a medical examination.¹⁶⁷

An organisation with expertise in human rights in Armenia also points to the haphazard registration process of volunteers and called-up reservists during the 2020 war. According to this source, there is significant dissatisfaction among those who fought and whose participation was either not recorded, recorded late, or only partially documented in their military identity document (military booklet). This has to do with the fact that those who fought are entitled to social benefits and financial compensation. According to this source there are situations where their participation was not recorded until long after the war.¹⁶⁸

2.3. Military training

Reservists may be called up by law to participate in military training and, in doing so, may be deployed during combat situations (see chapter [2.1. Legal framework](#)).¹⁶⁹ It is an offence to evade military training (see chapter [3.1. Legal framework](#)).¹⁷⁰

Reservists can be summoned to participate in military training either through a written notification or via e-mail from the relevant regional military commissariat. According to the HCAV, if the e-mail address is known to the competent authorities and the notification is sent via e-mail, it is considered received regardless of whether a read confirmation is provided.¹⁷¹ The HCAV identified several deficiencies during the call-up procedure of reservists for their participation in military training in 2022-2023.¹⁷² For example, there are reports of reservists being notified by phone about their obligation to report to their regional military commissariat prior to receiving a written summons.¹⁷³ In some cases, reservists are called up for military training even before the official announcement is made. Additionally, some reservists are called up just one day before the start of a training course, in breach of the statutory 20-day notice period required for participation.¹⁷⁴ An HCAV military expert explained to EVN report in October 2022 that military commissariats must ensure that a called-up reservist has received and signed the notification. Both the purpose and date of military training should be clearly stated in it. Irregularities during the summoning procedure, such as telephone calls, mean that a lot of called-up reservists do not participate in military training.¹⁷⁵

During the fact-finding mission to Armenia, a source explained that the summoning process for military training was very messy, especially in the beginning. For instance, there were allegations that some individuals were called up for multiple training sessions within a year, while others of the same age did not receive any notifications during that time. This source further noted that, in recent times, when individuals fail to respond to a call-up, employers have increasingly been contacted.

¹⁶⁷ HCAV, 27/03/2021, [url](#)

¹⁶⁸ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

¹⁶⁹ EVN report (Abrahamyan G.), 04/10/2022, [url](#)

¹⁷⁰ Public Radio of Armenia (Ghazanchyan S.), [url](#)

¹⁷¹ HCAV, 12/09/2023, p. 28, [url](#)

¹⁷² HCAV, 28/04/2023, [url](#); HCAV, 05/10/2022, [url](#)

¹⁷³ HCAV, 28/04/2023, [url](#); HCAV, 05/10/2022, [url](#); Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

¹⁷⁴ HCAV, 28/04/2023, [url](#); HCAV, 05/10/2022, [url](#)

¹⁷⁵ EVN report (Abrahamyan G.), 04/10/2022, [url](#)

This method is meant to put people under psychological pressure, as the employer is aware of the obligation of reservists to enlist.¹⁷⁶

After being summoned, a free medical examination is carried out which determines whether the reservist is fit or unfit for military training.¹⁷⁷ The HCAV has received complaints from reservists in relation to the medical examination. For example, the medical examination is not conducted as thoroughly as mandated by law. It is often limited to questioning. Additionally, there have been several instances where reservists have had to cover the cost of additional examinations themselves after raising concerns about the initial medical examination. According to the HCAV, medical committees do not always consider the results of medical examinations that the reservist has arranged and paid himself. Furthermore, complaints about the medical examination filed with the medical committees are not all recorded.¹⁷⁸ Peace Dialogue also notes that the medical examination under conscription is more thorough than it is for reservists called up for military training. The organisation is aware of two situations where called-up reservists had not completed military service. According to the NGO, the list of illnesses is regularly updated, resulting in some individuals who were previously deemed unfit later being classified as fit to participate in military training.¹⁷⁹

Peace Dialogue published in January 2024 the results of an opinion poll conducted among 45 reservists from various regions of Armenia who participated in military training primarily in 2023. Among other things, the results provide an insight into the call-up procedure, the prior medical examination, the general conditions during training and the financial impact of their participation. It concludes that most received an official notification, but some were also contacted by phone or directly through local authorities. One person was informed at work. The time span between notification and effective participation in training ranges from two to 30 days. The majority report having undergone a medical examination before training, even though its thoroughness varies from one person to another. Opinions regarding conditions vary depending on the location. According to the majority, conditions are satisfactory, good or very good. Six individuals reported experiencing poor conditions, while three described the conditions as very poor. The points of criticism relate to sanitation issues and insufficient sleeping facilities for all. Some respondents (40 %) reported a loss of income due to their participation in training, while others noticed little difference in their financial situation.¹⁸⁰

The Armenian government announces the military trainings, including the period in which they will take place and the number of people who will participate. Specialisations are also listed. Planned military exercises are announced by the Defence minister (Article 58).¹⁸¹

Since August 2021, the Ministry of Defence has been regularly organising military training for reservists. In 2021 and 2022, these training sessions typically lasted for three months.¹⁸² Starting in 2023, the duration of these training sessions has been shortened to a maximum of 25 days, which includes one week of military training and two weeks of active military service.¹⁸³ According to Pashinyan, this reduction in training duration is intended to alleviate potential issues for employers of called-up reservists, as longer absences could negatively affect their businesses.¹⁸⁴ This is because employers are obligated to retain the individual's position and continue paying wages during military

¹⁷⁶ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

¹⁷⁷ HCAV, 12/09/2023, p. 28, [url](#)

¹⁷⁸ HCAV, 28/04/2023, [url](#); HCAV, 15/02/2023, [url](#)

¹⁷⁹ Peace Dialogue, conversation, Vanadzor, 18/03/2024

¹⁸⁰ Peace Dialogue, 23/01/2024, [url](#)

¹⁸¹ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

¹⁸² EVN report (Abrahamyan G.), 04/10/2022, [url](#)

¹⁸³ Armen Press, 13/10/2022, [url](#); Hetq, 20/02/2023, [url](#)

¹⁸⁴ Armen Press, 13/10/2022, [url](#)

training. Persons who are unofficially employed are therefore especially vulnerable, according to political scientist Armen Vardanyan.¹⁸⁵ For this reason, unemployed reservists are often called up. According to Pashinyan, this provides a social benefit, as unemployed reservists receive financial compensation for their participation.¹⁸⁶

When the first military training was announced in August 2021, some conflict experts told the Kavkazsky Uzel press channel that the scale of these exercises was unprecedented in Armenia. Between 25 August 2021 and 25 November 2021, a total of 2,169 reservists participated. Training military specialists was a priority during the initial exercises. The aim was to practice coordinated actions between the military and reservists.¹⁸⁷ The second military training in 2021 for 869 reservists with specific specialisations took place between 15 September and 15 December 2021. This training involved officers and military personnel from the first category of reservists, specifically those who had participated in combat or those who completed their military service at least a year ago.¹⁸⁸ A third military training took place from 18 November to 18 December 2021 for 202 reservists in total.¹⁸⁹

In 2022, the sources consulted listed six military trainings: from 15 January to 15 April 2022 for 65 reservists; from 1 April to 30 June 2022 for 1,400 reservists; from 15 April to 15 June 2022 for 724 reservists; from 1 August to 30 October 2022 for 1,444 reservists; from 15 September to 15 December 2022 for 318 reservists; and from 27 September to 22 November 2022 for 3,680 reservists.¹⁹⁰

In 2023, the sources consulted mentioned six official announcements of military training lasting up to 25 days. These took place in the following periods: from 1 March to 12 May 2023 for 3,281 reservists;¹⁹¹ from 15 April to 15 June 2023 for 953 reservists;¹⁹² from 1 May to 7 July 2023 for 2,715 reservists;¹⁹³ from 1 August to 13 October 2023 for 2,352 reservists;¹⁹⁴ from 15 September to 15 December 2023 for 1,047 reservists;¹⁹⁵ and from 1 October to 8 December 2023 for 2,059 reservists.¹⁹⁶

In 2024 (up until the publication date of this COI Focus), there have been four official announcements of military training requiring reservists to participate for up to 25 days. They cover the following periods: from 23 January to 12 April 2024 for 2,838 reservists;¹⁹⁷ from 1 April to 28 June 2024 for 4,799 reservists;¹⁹⁸ from 15 April to 15 July 2024 for 435 reservists¹⁹⁹; and from 11 June to 30 August 2024 for 5,151 reservists.²⁰⁰

¹⁸⁵ EVN report (Abrahamyan G.), 04/10/2022, [url](#)

¹⁸⁶ Armen Press, 13/10/2022, [url](#); Ministry of Foreign Affairs of the Netherlands, 16/01/2023, p. 12, [url](#)

¹⁸⁷ Kavkazskiy Uzel, 11/09/2021, [url](#)

¹⁸⁸ Kavkazskiy Uzel, 11/09/2021, [url](#)

¹⁸⁹ EVN report (Abrahamyan G.), 04/10/2022, [url](#); Government of the Republic of Armenia, 18/11/2021, [url](#)

¹⁹⁰ EVN report (Abrahamyan G.), 04/10/2022, [url](#)

¹⁹¹ Hetq (Museghyan T.), 26/12/2022, [url](#); News.am, 01/02/2023, [url](#); Government of the Republic of Armenia, 02/02/2023, [url](#)

¹⁹² Hetq (Museghyan T.), 20/02/2023, [url](#); Government of the Republic of Armenia, 23/03/2023, [url](#)

¹⁹³ Ivrapan, 06/04/2023, [url](#); Government of the Republic of Armenia, 06/04/2023, [url](#)

¹⁹⁴ News.am, 16/05/2023, [url](#); Government of the Republic of Armenia, 22/06/2023, [url](#)

¹⁹⁵ 168.am, 07/07/2023, [url](#); Government of the Republic of Armenia, 24/08/2023, [url](#)

¹⁹⁶ Hetq, 07/09/2023, [url](#); Government of the Republic of Armenia, 07/09/2023, [url](#)

¹⁹⁷ Lurer, 21/12/2023, [url](#); The Armenian Report, 21/12/2023, [url](#); News.am, 21/12/2023, [url](#)

¹⁹⁸ ArmInfo, 29/02/2024, [url](#); Aysor, 29/02/2024, [url](#); Government of the Republic of Armenia, 29/02/2024, [url](#)

¹⁹⁹ News.am, 14/03/2024, [url](#); Government of the Republic of Armenia, 14/03/2024, [url](#)

²⁰⁰ Tert.am, 16/05/2024, [url](#); Hetq.am, 16/05/2024, [url](#); Western Armenia TV, 29/02/2024, [url](#) Government of the Republic of Armenia, 16/05/2024, [url](#)

The military training for reservists aims to enhance their military capabilities and knowledge while also serving as a means to provide additional manpower to the Armenian military along the border.²⁰¹ On 5 May 2022, a few days after the start of anti-government demonstrations, some Armenian human rights activists expressed concern over an announcement by Andranik Kocharyan, the chairman of the parliamentary committee on Defence and security affairs and MP for the Civil Contract party. He suggested identifying individuals actively participating in anti-government demonstrations, forwarding their names to the Ministry of Defence, and calling them up for military training. He insinuated that a number of protesters had evaded military service or failed to respond to previous periodic calls for reservists. Some high-ranking figures in the police and military expressed support for his proposal.²⁰² A week after the government announced new training sessions on 23 June 2022, an opposition leader stated that he knew of dozens of opposition activists who had been called up. They were reportedly arrested during demonstrations and were members of his party, the Armenian Revolutionary Federation (*Dashnaksutyun*).²⁰³ On 14 September 2022, during opposition demonstrations against an Azerbaijani attack on the Armenian-Azerbaijani border earlier that day, a ruling party MP argued that the protesters had earned a voucher to report to a military commissariat and be sent to the front. Armine Sadikyan, an expert on human rights in the army for HCAV, argued that military service should not be punitive in any way and disapproved of these statements.²⁰⁴ Human rights activist Artur Sakunts of the HCAV also contended that the transmission of personal information about individuals detained during the protests is illegal.²⁰⁵

When asked about the likelihood of criminal prosecution for a reservist who does not respond to a training summons because he is abroad, a human rights expert stated that this individual will most likely not face criminal charges if he can prove that he was abroad. For someone to be criminally prosecuted in this situation, it is essential for the authorities to demonstrate that the person was aware of his obligation to participate in military training and that he received the notification. The source pointed to the obligation to communicate a change of address when moving abroad, but at the same time noted that almost no one does this in practice. In addition, allocating resources to locate individuals abroad and initiate investigations is a burden on the government.²⁰⁶

Evading military training falls under Article 462 of the Criminal Code. The punishment can range from a fine, short-term detention to imprisonment for up to two years.²⁰⁷

The public prosecutor's report for the year 2023 found that 257 persons committed an offence under Article 462 on evading military training in the past year. There is no data for 2022 in the annual report.²⁰⁸ In 2023, Armenia's Investigative Committee disclosed that it received a total of 91 reports of evasion of military training in 2022. Criminal proceedings were initiated against 45 individuals, and 24 people were charged and referred to court.²⁰⁹

²⁰¹ EVN report (Abrahamyan G.), 04/10/2022, [url](#)

²⁰² Azatutyun (Badalyan S. & Zargaryan R.), 05/05/2022, [url](#)

²⁰³ Azatutyun (Saribekyan G.), 01/07/2022, [url](#)

²⁰⁴ EVN report (Abrahamyan G.), 04/10/2022, [url](#)

²⁰⁵ Azatutyun (Badalyan S. & Zargaryan R.), 05/05/2022, [url](#)

²⁰⁶ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

²⁰⁷ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

²⁰⁸ Prosecutor's Office of the Republic of Armenia, 02/05/2024, p. 74, [url](#)

²⁰⁹ 1Lurer, 23/05/2023, [url](#)

3. Criminal prosecution in the context of military service.

3.1 Legal framework

3.1.1 (old) Criminal Code of 18 April 2003

The Criminal Code of 18 April 2003, last amended on 9 June 2022, is no longer in use since 1 July 2022.²¹⁰ Since then, a new Criminal Code, adopted on 5 May 2021, has been in force (see chapter [3.1.2. Criminal Code of 1 July 2022](#)).²¹¹ Crimes committed before the entry into force of the new Criminal Code are judged under the old Criminal Code if the new Criminal Code stipulates a more severe punishment.²¹²

The main articles of the old Criminal Code concerning crimes committed in connection with military service, including conscientious objection and desertion, are discussed below.

Article 327 of the old Criminal Code sets the penalty for evading conscription or military training. The first paragraph states that evading conscription or military training without lawful absence is punishable by arrest²¹³ for up to two months or imprisonment for up to three years (Article 327 §1). Evading military service through self-injury, feigning illness, falsifying documents, or other forms of deception is punishable by imprisonment²¹⁴ for one to three months or one to five years (Article 327 §2). In a wartime situation, these offences are subject to more severe penalties.²¹⁵ On 28 October 2020, amid ongoing heavy fighting in Nagorno-Karabakh, the penalty for refusal of military service was increased. The maximum prison sentence for evading military service was initially four to eight years. From 28 October 2020, these offenses are punishable by imprisonment for six to 12 years (Article 327 §3).²¹⁶ Reservists who fail to respond to a personal mobilisation call during martial law are tried under the same article and also risk six to 12 years in prison.²¹⁷

Article 362 of the old Criminal Code sets the penalty for desertion. Voluntarily leaving the military unit or military post for the purpose of evading military service or failing to appear for the same reasons is considered desertion. This carries a prison sentence of three to six years (Article 362 §1). Desertion with a service weapon or as part of a group is punishable by four to ten years in prison (Article 362 §2). During a state of siege or war, such acts are punishable by eight to 15 years in prison (Article 362 §3).²¹⁸ Before 28 October 2020, when the penalty for wartime desertion was increased, it was six to 12 years.²¹⁹

Article 363 of the old Criminal Code outlines the penalties for individuals who compromise their health to avoid military service (Article 363 §1) and for those who simulate an illness or submit false

²¹⁰ *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#)

²¹¹ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

²¹² Peace Dialogue, conversation, Vanadzor, 18/03/2024; Hetq, 20/10/2023, [url](#)

²¹³ An expert from the HCAV clarifies in an e-mail on 21 June 2019 that the detention or arrest of up to two months referred to in the law is in practice the same as imprisonment.

²¹⁴ *Idem supra*

²¹⁵ *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#); HCAV expert on human rights regarding conscription, military and conditions in the military, e-mail, 11/02/2020

²¹⁶ Arka News Agency, 28/10/2020, [url](#)

²¹⁷ *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#); HCAV expert on human rights regarding conscription, military and conditions in the military, e-mail, 11/02/2020

²¹⁸ Arka News Agency, 28/10/2020, [url](#)

²¹⁹ *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#); Factor.am, 08/10/2020, [url](#); Arka News Agency, 28/10/2020, [url](#)

documents to terminate or evade military service (Article 363 §3). The penalty for this ranges from a maximum of three months' detention to a maximum of three to four years' imprisonment in normal circumstances (Article 363 §1 and §3). During a state of siege or war, the maximum prison term for these crimes is five to 10 years (Article 363 §5).²²⁰

Article 364 of the old Criminal Code provides for a prison term of five to 10 years for military personnel who refuse to perform military services or certain duties during a state of siege or war (Article 364 §3).²²¹ In normal circumstances, the punishment for this ranges from a maximum of three months' detention to two years' imprisonment (Article 364 §1).²²²

Other offences related to military service are also regulated in the old Criminal Code. These include using violence or making threats against a commander of a military unit (Article 358) or against a subordinate (Article 358.1), as well as violence between conscripts (Article 359). Insulting a serviceman in a manner that offends his honour and dignity is covered under Article 360. The Code also addresses inciting another serviceman to commit suicide (attempt) through threats or persistent humiliation (Articles 360.1 and 360.2). Additionally, it includes provisions for voluntarily leaving a military unit or failing to report without a valid reason for three days to one month, or not showing up at least three times in three months for one hour to three days during military service (Article 361). Misusing military equipment or uniforms for personal or professional purposes is regulated under Article 371, while losing or damaging military equipment falls under Article 372. The Code also covers careless handling of weapons or ammunition, which may result in material damage, injury, or death (Article 373), as well as abuse of power or negligence by a superior in the military for personal gain (Article 375) and negligence of a superior leading to serious consequences (Article 376). In addition, Article 379 addresses the act of handing over or abandoning military equipment to the enemy without the intent to commit treason. Sentencing for the aforementioned crimes varies based on the severity and circumstances of each offence. Article 299 covers treason, which includes conspiring with the enemy, espionage, disclosing state secrets to a foreign government, organisation, or their representatives, as well as providing other forms of assistance in violent activities that threaten Armenia's sovereignty, territorial integrity, or security.²²³ The above list is not exhaustive.

3.1.2. Criminal Code of 1 July 2022

A new Criminal Code came into effect on 1 July 2022.²²⁴

Article 461 of the new Criminal Code sets the punishment for evading compulsory military service or alternative service without being exempted or deferred under the law. Under this article, refusal to serve is punishable by imprisonment for two to five years (Article 461 §1). Injuring oneself, simulating an illness, falsifying documents or attempting to evade conscription in other fraudulent ways is punishable by four to eight years' imprisonment (Article 461 §2). During the enforcement of martial law or in times of war, these offences are punishable by imprisonment ranging from six to 12 years (Article 461 §3). When an individual voluntarily enlists in military service or provides financial compensation as prescribed by law, criminal proceedings for refusal to serve are dismissed (applicable only to offences outlined in Article 461 §1 and §2).²²⁵

²²⁰ *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#)

²²¹ *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#); Hetq (Ghukasyan S.), 28/10/2020, [url](#); Factor.am, 08/10/2020, [url](#)

²²² *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#)

²²³ *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#)

²²⁴ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

²²⁵ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

Article 462 sets the penalty for evading military training in violation of the law. This offence is punishable by a fine, short-term detention of up to two months or a maximum imprisonment of two years.²²⁶

Articles 516 to 548 determine the punishment for crimes committed in the course of military service. The punishment for each of these offences depends on the circumstances, as described in each article of law. Crimes are broken down by type. For example, Articles 516 to 524 address offences related to military-to-military interactions: failing to comply with a commander's order, resulting in moderate harm to health or significant material damage to military property or equipment (Article 517 concerns similar situations caused by negligence or dishonesty); obstructing a commander from fulfilling their duties through threats or violence (Article 518); making threats or committing violence against a commander (Article 519) or a subordinate (Article 520); violence between servicemen of the same rank (Article 521); inciting another serviceman to commit or attempt suicide (Articles 522 and 523); and insulting a serviceman in a manner that offends their honour and dignity (Article 524).²²⁷

Articles 525 to 531 focus on military procedures and related offences: voluntary departure from a military unit or place, or temporary absence without permission (Article 525); desertion (Article 526); evading military service by feigning illness, self-inflicting injury, falsifying documents, or using other illegal means (Article 527); self-inflicted injury leading to a temporary halt in military service or duties (Article 528); refusal to carry out military orders or duties (Article 529); gambling during military service (Article 530); and drug use during military service (Article 531).²²⁸

Articles 532 to 539 of the new Criminal Code define the punishment for crimes related to military equipment, weapons or other military property. It includes failure to respect rules regarding the handling of weapons, ammunition and military equipment resulting in injury, death, or significant damage to the environment, military property or objects (Article 532). Other criminal offences involve careless handling or theft, loss, destruction of weapons, ammunition, military equipment, or military property (Articles 533 to 539).²²⁹

Articles 540 to 548 address crimes committed during military service under specific conditions. These include voluntarily leaving the battlefield, abandoning combat equipment, or surrendering without being compelled by the circumstances.²³⁰

Articles 549 and 550 address the penalties for crimes committed by military superiors, focusing on abuse of power (Article 549) and negligence (Article 550).²³¹

3.1.3. Notification of criminal proceedings

The Criminal Procedure Code²³² is the legal basis for criminal proceedings. This law was fully updated in June 2021 in accordance with Council of Europe standards and has been in force since 1 July

²²⁶ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments 12/04/2024), [url](#); Azatutyun, 12/04/2024, [url](#)

²²⁷ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

²²⁸ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

²²⁹ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

²³⁰ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

²³¹ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

²³² *Criminal Procedure Code*, 30/06/2021 [latest amendments on 06/02/2024], [url](#)

2022.²³³ Until then, the 1998 Criminal Procedure Code, last updated on 18 June 2022, was in force.²³⁴

Authorities with jurisdiction over criminal proceedings are required by this law to inform all those involved in criminal proceedings about it.²³⁵ This could include the Investigative Committee or a prosecutor.²³⁶ For crimes related to military service, there is the Military Investigation Department and a military prosecutor.²³⁷ In addition, the military police may also be involved in the investigation.²³⁸

A person is invited by letter or e-mail to appear at the relevant agency for questioning or at a court hearing. An enlisted soldier is notified through the commander of the military unit.²³⁹ A writ of summons contains information about (Article 150):

- The information regarding the body or official issuing the summons;
- The name, address and status of the person being summoned;
- Relevant details of the summoned person, if they are informed through another person or body;
- The place and time to appear;
- The facts that form the basis of the legal proceedings and their legal evaluation;
- Actions to be implemented;
- The duty of the person receiving the notice to hand it to the person being summoned;
- The legal consequences for failing to appear.²⁴⁰

An accompanying document attached to the writ of summons outlines the rights and obligations associated with the status of the summoned person (accused, defendant, or witness). The person to whom the writ of summons is addressed is obliged to receive the notification and sign the document. If the person refuses to do so, the person transmitting the document to the competent authority shall make a note thereof (Article 152). If the person is not present in person, the letter will be delivered to an adult relative (living at the same address where the person is registered or is a permanent resident) or at the person's workplace or school. The person receiving the letter is expected to sign it on behalf of the intended recipient, indicating their relationship to that individual. The signed stub must be delivered or sent to the body responsible for the legal proceedings (Article 151).²⁴¹ A writ of summons is considered valid if one of the following conditions is met (Article 153):

- The paper writ of summons was personally received by the person summoned;
- The paper writ of summons was delivered to the address provided by the individual to be notified;
- The individual who received the notification provided written confirmation that they will deliver the notification to the summoned person;
- The paper notification was delivered to the competent authority with a note indicating that the recipient refused to accept it;
- An electronic acknowledgement of receipt of the e-mail was sent to the informed person;

²³³ Council of Europe, 02/07/2021, [url](#)

²³⁴ *Criminal Procedure Code*, 01/07/1998 [latest amendments on 18/06/2022], [url](#)

²³⁵ *Criminal Procedure Code*, 30/06/2021 [latest amendments on 06/02/2024], [url](#)

²³⁶ Peace Dialogue, conversation, Vanadzor, 18/03/2024

²³⁷ Delegates of the Armenian Human Rights Defender, conversation, Yerevan, 19/03/2024; Prosecutor's Office of the Republic of Armenia, s.d., [url](#); Investigative Committee of the Republic of Armenia, s.d., [url](#)

²³⁸ 1Lurer, 23/05/2023, [url](#)

²³⁹ *Criminal Procedure Code*, 30/06/2021 [latest amendments on 06/02/2024], [url](#)

²⁴⁰ *Criminal Procedure Code*, 30/06/2021 [latest amendments on 06/02/2024], [url](#)

²⁴¹ *Criminal Procedure Code*, 30/06/2021 [latest amendments on 06/02/2024], [url](#)

- The individual acknowledged receipt of the notification by signing a protocol related to the administrative action;
- The notice was recorded in an audio recording at a hearing;
- The person summoned returned the signed notification.²⁴²

After the preliminary investigation, the competent investigative body decides whether to charge a person based on an evaluation of the evidence collected. If the investigative body determines that there is adequate evidence to establish the guilt of the defendant, it will compile an official charge sheet outlining the facts, arguments, and evidence, along with the status and details of all parties involved (Article 199 and Article 202). The investigative body shall make all information related to the charge available to the defendant and his legal representative or lawyer. They will receive an electronic version of this (Article 200). The investigative body shall hand over the charge together with the trial materials, including the evidence, to the public prosecutor (Article 203). The public prosecutor will then examine the entire charge, including whether there is sufficient evidence to prove the defendant's guilt in court (Article 204). If that is the case, the public prosecutor forwards the case to the competent court (Article 206). The public prosecutor has to make a decision within seven days of handing over the charge. The public prosecutor may also decide to amend the charge or send it back to the investigative body to continue the investigation, terminate the criminal proceedings or prepare new charges (Article 205).²⁴³

Courts of first instance with general jurisdiction handle criminal cases, including military criminal cases.²⁴⁴ Subsequent appeals may be made to the courts of appeal and the Court of Cassation (Article 30).²⁴⁵ There are no separate prisons for persons convicted of evading military service.²⁴⁶

Two human rights organisations emphasise that a defendant should have full access to all information regarding the criminal case against them and the reasons for the accusations.²⁴⁷ A source stressed that it is impossible not to be informed, especially when the investigation is complete and the case has been referred to the court. In confidential criminal cases, it may take until the public prosecutor has confirmed to forward the case to the court before all information is available to all parties involved. The investigator shall transmit the complete file on paper or electronically to all parties, including the lawyer or person representing the accused.²⁴⁸

During the fact-finding mission in Armenia, Cedoca consulted various sources regarding the possibilities of obtaining information from abroad about potential criminal proceedings. According to Peace Dialogue, there are no formal mechanisms to inform someone abroad about this; however, they are likely to be notified through a neighbour or relative. This source considers it unlikely that someone abroad has not obtained information when criminal proceedings have been initiated against them.²⁴⁹ According to a representative of an organisation specialising in human rights in Armenia, it is possible to find out more about this by applying to the relevant authorities in Armenia through a lawyer or legal representative. This will make it possible to find out under which article of the Criminal Code criminal proceedings have been initiated and the status of the person (suspect or accused). Other options include calling anonymously or sending a request to law enforcement via e-mail. It is also possible to be informed through relatives living at the address where the person is registered

²⁴² *Criminal Procedure Code*, 30/06/2021 [latest amendments on 06/02/2024], [url](#)

²⁴³ *Criminal Procedure Code*, 30/06/2021 [latest amendments on 06/02/2024], [url](#)

²⁴⁴ Peace Dialogue, conversation, Vanadzor, 18/03/2024

²⁴⁵ *Criminal Procedure Code*, 30/06/2021 [latest amendments on 06/02/2024], [url](#)

²⁴⁶ HCAV expert on human rights regarding conscription, servicemen and conditions in the military, e-mail, 21/06/2019

²⁴⁷ Peace Dialogue, conversation, Vanadzor, 18/03/2024; Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

²⁴⁸ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

²⁴⁹ Peace Dialogue, conversation, Vanadzor, 18/03/2024

or through the employer, provided they have received a writ of summons. A person may also have learned that other servicemen from the same military unit have been indicted, for example, in connection with the 2020 war, leading him/her to fear that he/her may also be wanted in Armenia.²⁵⁰

Two organisations with expertise in human rights in Armenia have noted that there is a risk of deportation if the authorities discover the country in which a person facing criminal charges in Armenia is residing.²⁵¹ However, one of them points out that the extradition procedure is lengthy and its outcome is uncertain, making it rather unlikely that the Armenian authorities would effectively pursue it.²⁵²

3.2. Conscription evasion

At the end of each conscription period, a criminal investigation on conscription evasion under Article 461 (or 327 under the old Criminal Code) is opened against anyone who has not reported to the military commissariat within this period, and who has not been granted a postponement or exemption from conscription.²⁵³ Several sources point out the importance of correctly calling up a conscript.²⁵⁴ The HCAV emphasises the necessity of conducting this process legally and ensuring that it can be demonstrated that the individual has been informed.²⁵⁵ According to Peace Dialogue, it is possible to obtain a favourable ruling if it can be shown that the summons was not properly issued.²⁵⁶ For more information on the call-up procedure itself, see chapter [1.2. Conscription](#), for information on penalties, see chapter [3.1. Legal framework](#).

Individuals who did not register with the local military commissariat at the age of 16 because they left Armenia before reaching that age (and never registered with a diplomatic representation) are not, in practice, considered conscription evaders and are not subject to criminal prosecution for this.²⁵⁷ Upon returning to Armenia before the age of 27, they are still required to complete their military service, provided there are no valid grounds for postponement or exemption.²⁵⁸

A conscription evader who surrenders or is apprehended by law enforcement before the age of 27 is taken to a regional military commissariat, undergoes a medical examination, and will commence military service if deemed fit for duty.²⁵⁹ Once he begins military service, the criminal case is dismissed.²⁶⁰

In its 2023 annual report, Armenia's public prosecutor states that the majority of criminal proceedings related to military service are initiated under Article 461 of the Criminal Code, as well

²⁵⁰ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

²⁵¹ Established organisation with expertise in human rights in Armenia, conversation, Armenia, 20/03/2024; Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024.

²⁵² Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

²⁵³ Investigative Committee of the Republic of Armenia, 23/04/2019, [url](#); Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

²⁵⁴ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024; Peace Dialogue, conversation, Vanadzor, 18/03/2024; Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

²⁵⁵ HCAV, 13/02/2024, [url](#)

²⁵⁶ Peace Dialogue, conversation, Vanadzor, 18/03/2024

²⁵⁷ Counsel.am, s.d., [url](#); Expert at HCAV on human rights regarding conscription, servicemen and conditions in the military, e-mail, 18/06/2019, 21/06/2019 & 10/05/2021

²⁵⁸ Counsel.am, s.d., [url](#)

²⁵⁹ Investigative Committee of the Republic of Armenia, 23/04/2019, [url](#)

²⁶⁰ Investigative Committee of the Republic of Armenia, 23/04/2019, [url](#); Human Rights House Yerevan, conversation, Yerevan, 25/03/2024

as Article 327 of the old Criminal Code. In 2023, this concerned 1,250 individuals, compared to 927 in 2022 and 979 in 2021, all accused of evading military service.²⁶¹ The 2022 annual report indicated that the number of criminal cases actually forwarded to court was limited. Thus, 13 cases were referred to the court in 2022 and 18 in 2021.²⁶²

By the end of 2023, more than 10,000 men were sought for conscription evasion, with 5,000 of them being over the age of 27.²⁶³ In the 2023 annual report, the public prosecutor stated that there were 10,328 individuals wanted under Article 461 of the Criminal Code, with 398 of them being located in the same year. In 2022, 422 out of 9,860 defendants had been located.²⁶⁴ The public prosecutor explained that most individuals wanted for evading military service, upon surrendering or being apprehended, express their willingness to perform military service. The 2023 report highlights a case where an accused individual in detention was released due to ill health.²⁶⁵ The public prosecutor's annual reports mention nothing about effective penalties for conscription evaders.

Men who have not completed their military service by the age of 27, or 35 in the case of reserve officers, without a valid reason, can choose since 12 February 2024 to either complete their military service or pay financial compensation to the state instead of fulfilling their military service (completely). This is confirmed in an amendment to the Law of the Republic of Armenia on the Status of Military Service and Servicemen dated 15 November 2017.²⁶⁶

Once a person signs up to this option, the criminal case for evading military service, which was automatically initiated on ignoring a call-up to commence compulsory military service, expires. This article of law can be invoked until the age of 37, or until 45 for reserve officers. Beyond that age, a criminal case for conscription evasion automatically expires due to the statute of limitations.²⁶⁷

All options for men aged between 27 and 37 (or 35 to 45 for reserve officers) to end a criminal case for conscription evasion are set out in Article 19 §1.2 of this Law:

- 24 months of military service without additional penalty;
- 12 months of military service and a penalty of AMD 2.5 million;
- 6 months of military service and a penalty of AMD 5 million;
- 1 month of military service and a penalty of AMD 8 million;
- No military service and a penalty of AMD 15 million.²⁶⁸

The purpose of this change in the law is to give Armenian conscripts abroad a perspective for returning to Armenia. By offering them the opportunity to perform military service or pay financial compensation, they can avoid criminal prosecution.²⁶⁹ Those who opt in to this and pay financial compensation for not (or partially) completing compulsory military service with the aim of ending a

²⁶¹ Prosecutor's Office of the Republic of Armenia, 02/05/2024, p. 74, [url](#); Prosecutor's Office of the Republic of Armenia, 01/05/2023, pp. 81, 83, [url](#)

²⁶² Prosecutor's Office of the Republic of Armenia, 01/05/2023, p. 83, [url](#)

²⁶³ Azatutyun (Khulyan A.), 12/12/2023, [url](#); Armen Press, 12/12/2023, [url](#); Jam News, 12/12/2023, [url](#); EVN report (Simonyan A.), 06/03/2024, [url](#)

²⁶⁴ Prosecutor's Office of the Republic of Armenia, 02/05/2024, p. 36, [url](#)

²⁶⁵ Prosecutor's Office of the Republic of Armenia, 02/05/2024, p. 75, [url](#)

²⁶⁶ ArmInfo (Avanesov A.), 16/01/2024, [url](#); CivilNet, 16/01/2024, [url](#)

²⁶⁷ *Law of the Republic of Armenia on the Status of Military Service and Servicemen*, 15/11/2017 (latest amendments on 11/06/2024), [url](#)

²⁶⁸ *Law on Military Service and the Status of Servicemen*, 15/11/2017 (latest amendments 12/02/2024), [url](#)

²⁶⁹ Parliament of the Republic of Armenia, 11/01/2024, [url](#)

criminal case will end up in the military reserve and may subsequently be called up as reservists to participate in military training.²⁷⁰

The introduction of this article of law provoked critical reactions regarding social inequality. Only those who are wealthy enough are able to pay financial compensation.²⁷¹ This, according to Peace Dialogue, can make military service feel like a punishment for those who lack sufficient financial resources.²⁷² Nevertheless, according to this source and other sources consulted during the fact-finding mission in Armenia, this change in the law offers opportunities for Armenians abroad to return without facing criminal charges.²⁷³ As long as they face criminal charges in Armenia, they cannot have their identity documents renewed. This change in the law offers them the possibility to return without being arrested.²⁷⁴ A local human rights organisation draws attention to the fact that military service is mandatory and those who have evaded military service now have the option of ending criminal proceedings through a legal procedure.²⁷⁵ Therefore, according to this source, as according to Human Rights House Yerevan, there are no reasons to consider criminal cases for conscription evasion as a form of (political) persecution.²⁷⁶

Between 2004 and 2019, there was an amnesty law that could be invoked by Armenian conscription evaders over the age of 27 (or 35 in the case of reservists). On 17 December 2003, parliament enacted a law allowing citizens who failed to complete their military service by the designated deadline, in violation of established procedures, to be exempt from prosecution, provided they pay compensation to the state for each missed call-up. This law was renewed several times between 2004 and March 2019, each time for a limited period.²⁷⁷ In May 2021, parliament voted for a new amnesty law valid for citizens who were 27 years old at the latest on the day the law came into force and apply for it before 31 December 2021.²⁷⁸ Unlike the previous amnesty law, this law did not include financial payment in exchange for amnesty.²⁷⁹ Conscripts who evaded compulsory military service after the end of the war were not eligible for the 2021 law. The same applied to reservists who did not respond to a call-up (if delivered in person) during and after the war (when partial mobilisation was still in force).²⁸⁰

About 10,000 people made use of it between 2004 and 2019. An additional 1,300 people made use of it in 2021.²⁸¹ The authorities introduced this law to incentivise the return of the Armenian male diaspora to Armenia. By making use of this opportunity, they no longer risked having to serve a sentence for conscription evasion.²⁸²

²⁷⁰ EVN report (Simonyan A.), 06/03/2024, [url](#); Peace Dialogue, conversation, Vanadzor, 18/03/2024

²⁷¹ EVN report (Simonyan A.), 06/03/2024, [url](#)

²⁷² Peace Dialogue, conversation, Vanadzor, 18/03/2024

²⁷³ Peace Dialogue, conversation, Vanadzor, 18/03/2024; Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024; Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

²⁷⁴ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

²⁷⁵ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

²⁷⁶ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024; Human Rights House Yerevan, conversation, Yerevan, 25/03/2024

²⁷⁷ *Law of the Republic of Armenia on citizens who failed to complete compulsory military service through violation of the established procedure*, 17/12/2003 (latest amendments 06/03/2019), [url](#)

²⁷⁸ *Law of the Republic of Armenia concerning declaration regarding persons avoiding military or alternative military service*, 06/05/2021, [url](#)

²⁷⁹ Hraparak (Shahverdyan L.), 10/04/2021, [url](#)

²⁸⁰ HCAV expert on human rights regarding conscription, servicemen and conditions in the military, e-mail, 11/05/2021

²⁸¹ Azatutyun (Khulyan A.), 12/12/2023, [url](#); Armen Press, 12/12/2023, [url](#); Jam News, 12/12/2023, [url](#)

²⁸² The Prime Minister of the Republic of Armenia, 08/04/2021, [url](#); Arka News Agency, 08/04/2021, [url](#); Aravot, 08/04/2021, [url](#)

3.3. Criminal prosecutions related to the war in 2020

3.3.1. Figures

During and shortly after the war in 2020, reports of military desertion emerged regularly. When Pashinyan signed a ceasefire agreement on 10 November 2020, he said that desertion, among other things, had led to this situation.²⁸³ Multiple sources reported hundreds of desertions.²⁸⁴ Movses Hakobyan, a former Colonel General in the military, believes that 1,500 soldiers and volunteers had already left the front line in Nagorno-Karabakh on the fifth day of the war because they were insufficiently prepared.²⁸⁵ A week after the end of the war, a former military commissioner, Major General Levon Stepanyan, called for all culprits to be punished to avoid setting dangerous precedents for the future. At the same time, he argued that there were so many deserters during the conflict that it would be impossible to lock them all up. Still according to the former commissioner, it is very likely that many deserters escaped prosecution because of acquaintances or relatives with high positions in the military. Stepanyan further noted that many did not leave on their own initiative but were ordered to do so. Those who incited desertion should also be brought to justice, according to Stepanyan.²⁸⁶

The public prosecutor communicated the number of criminal cases, ongoing investigations and indictments related to the war with Azerbaijan at different times in 2020 and 2021. This information is largely limited to numerical data and the nature of the allegations.²⁸⁷

On 21 December 2020, the adviser to the public prosecutor released figures on war-related criminal cases for the first time after the end of the war. At that time, 882 criminal cases had been initiated under articles on desertion (Articles 362 and 364) and disobeying military orders (Article 356).²⁸⁸ A day later, the Investigative Committee let it be known that the Military Research Department was investigating a total of 1,358 war-related criminal cases, including desertion-related. As of the end of December 2020, 425 individuals were charged under various articles of the Criminal Code, including Article 327 §3 (evading conscription), Article 356 §3 (disobeying military orders), Article 362 §3 (leaving the military unit), and Article 364 §3 (refusing military service). At that time, 117 military personnel were in detention as a precautionary measure and 25 others were being sought.²⁸⁹

As of early May 2021, the tally of criminal cases related to the 2020 war stood at 1,580, with 628 people officially charged.²⁹⁰

On 28 September 2021, the public prosecutor announced that more than 2,000 war-related cases of possible crimes would be investigated in 2020. These covered a variety of offences : recruitment of soldiers or conscripts through bribery, illegally acquiring or smuggling weapons intended for combat operations, illegally purchasing or stealing military clothing, desertion, refusing to perform military duties and conscription evasion. In addition, the public prosecutor also conducted investigations on abuse of power by commanders or superiors during a military operation and on negligence of commanders. Based on the preliminary investigation, a total of 800 people were indicted by the end of September 2021, including high-ranking military commanders. At that time, 48 criminal cases against 55 people were referred to the court. Eight persons had been sentenced

²⁸³ News.am, 05/12/2020, [url](#)

²⁸⁴ Azatutyun (Badalyan S.), 21/12/2020, [url](#); Zakaryan L., 15/12/2020, [url](#); Factor.am, 01/12/2020, [url](#)

²⁸⁵ Hetq (Ghukasyan S.), 19/11/2020, [url](#)

²⁸⁶ Novye Izvestye, 16/11/2020, [url](#)

²⁸⁷ Azatutyun (Badalyan S.), 21/12/2020, [url](#); Azatutyun, 21/12/2020, [url](#); Kavkazskiy Uzel, 06/05/2021, [url](#)

²⁸⁸ Azatutyun (Badalyan S.), 21/12/2020, [url](#); Azatutyun, 21/12/2020, [url](#)

²⁸⁹ Investigative Committee of Armenia, 22/12/2020, [url](#); Ivran, 22/12/2020, [url](#)

²⁹⁰ Kavkazskiy Uzel, 06/05/2021, [url](#); CivilNet, 06/04/2021, [url](#)

by the end of September 2021. The public prosecutor did not disclose for which offences they were sentenced. For most cases, the preliminary investigation was ongoing at that time.²⁹¹

In April 2023, the Fact Investigation Platform (FIP), an Armenian independent platform for investigative journalism, published updated figures on military desertion during the war. The FIP was informed by the public prosecutor that a total of 1,786 criminal proceedings were initiated against 10,687 persons under Article 361 §7 (voluntarily leaving the military unit or place of military service), Article 362 §3 (desertion) and Article 364 §3 (refusing to execute military orders) of the (old) Criminal Code. Of the 1,786 criminal cases, 280 were closed. A number of criminal files were merged, according to the FIP, leaving 226 criminal files in the investigation phase at that time. A total of 756 individuals were assigned the status of "accused" for desertion during the war. Of these, 143 persons were referred to court. The court issued a verdict for 64 people. The remaining 79 individuals were still in the criminal trial phase at that time.²⁹²

In June 2023, Pashinyan announced that criminal proceedings had been initiated against about 12,600 people during the 2020 war and during the enforcement of martial law. These cases involved desertion, service evasion, refusing to carry out orders, voluntarily leaving the military unit or place of military service, quitting military service, refusing to perform military duties, and so on. The Prime Minister did not clarify the basis and number of prosecutions, the status of investigations, or what sentences were handed down.²⁹³

In its annual activity reports, the public prosecutor also reported numerical data related to crimes committed during military service. For the year 2020, the public prosecutor reported that 3,016 crimes were committed in the military. That is three times more than in 2019. According to this body, half of the charges were brought during the autumn 2020 conflict.²⁹⁴ In 2021, the public prosecutor reported a total of 2,072 crimes in the military. In 2022, it was 1,696 and in 2023, 1,555 crimes. The 2022 and 2023 annual reports do not clarify how many of these crimes were committed as part of the war in 2020, but do give an indication of the numbers by type of crime between 2021 and 2023. Among the registered crimes in 2021, 270 fall under Articles 516 to 524 of the Criminal Code (previously Articles 356 to 360 of the old Criminal Code), which pertain to military-to-military interactions. In 2022, there were 348 and in 2023 350 crimes in this category. As for crimes related to military procedures, including desertion, as stipulated in Articles 525 - 531 (Articles 361 - 364 under the old Criminal Code), the public prosecutor recorded 965 in 2021, 423 in 2022 and 240 in 2023.²⁹⁵

In March 2024, the UIC requested statistical data on criminal proceedings related to military service from the Information Centre of the Ministry of Home Affairs and the Judicial Department. Its purpose was to get an overview of the current state of military trials related to the 2020 war, as well as the penalties imposed for different types of crimes. On 25 March 2024, the information centre of the Ministry of Home Affairs provided data on the number of crimes recorded by them by type of military service offence for the period 2020-2023. This does not refer solely to war-related crimes from 2020, but encompasses all crimes recorded under the specified articles of law during this period.²⁹⁶ The

²⁹¹ Prosecutor's Office of the Republic of Armenia, 28/09/2021, [url](#); Hetq, 28/09/2021, [url](#); Noyan Tapan TV, 28/09/2021, [url](#); Sputnik Armenia, 22/04/2022, [url](#)

²⁹² FIP (Ghazaryan S.), 26/04/2023, [url](#)

²⁹³ Radar Armenia, 27/06/2023, [url](#)

²⁹⁴ Kavkazskiy Uzel, 06/05/2021, [url](#)

²⁹⁵ Prosecutor's Office of the Republic of Armenia, 02/05/2024, p. 71, [url](#); Prosecutor's Office of the Republic of Armenia, 01/05/2023, p. 78, [url](#)

²⁹⁶ Statistical data obtained from the Information Centre of the Ministry of Home Affairs of the Republic of Armenia via the UIC, 25/03/2024

table below, prepared by Cedoca based on data from the Ministry of Home Affairs of Armenia, provides information on a selection of crimes and their stage of prosecution.

Based on Article (old/new Criminal Code)	Total number of registered crimes				Number of persons subject to criminal prosecution				Number of persons sent to court			
	2020	2021	2022	2023	2020	2021	2022	2023	2020	2021	2022	2023
358 / 519 (violence against a commander)	58	58	117	45	46	43	57	95	41	27	22	11
358.1 / 520 (violence against a subordinate)	84	78	113	103	61	54	71	113	48	22	29	12
359 / 521 (violence between servicemen)	128	111	164	122	91	118	153	209	63	41	52	26
360 / 524 (insulting a serviceman - humiliating honour/dignity)	24	16	16	11	48	32	43	41	0	0	17	6
360.1 / 522 (causing suicide/attempted suicide)	3	12	5	3	0	0	0	2	35	11	0	2
361 / 525 (leaving the military unit)	272	590	168	136	21	95	160	228	15	43	100	192
362 / 526 (desertion)	139	103	19	14	16	21	14	26	3	8	2	14
363 / 527 (harming health/simulating an illness/using false documents to avoid military service)	71	101	67	16	21	11	8	16	19	3	6	14
364 / 529 (refusal to perform military service or duties)	646	310	93	59	28	74	110	236	10	45	79	138
372 / 537 (loss of military property)	35	46	15	11	4	6	2	5	2	0	1	2
375 / 549 (abuse of power/negligence by a commander - for personal gain)	63	147	49	34	29	15	15	23	21	5	11	16
376 / 550 (abuse of power/negligence by a commander - causing significant damage)	92	183	166	134	40	41	28	30	12	1	6	17

Figure 1. Table of crimes committed in the course of military service compiled by Cedoca based on data from the Ministry of Home Affairs of the Republic of Armenia²⁹⁷

On 12 April 2024, the Judicial Department shared statistical data on the number and type of court rulings in 2020-2023 for a range of offences relating to military service and crimes committed by persons registered in the Armenian military.²⁹⁸ The table below, prepared by Cedoca based on statistics obtained through the UIC, shows a selection of the number of sentences for crimes related to the military service in 2020-2023. For each type of crime, the sentences handed down based on the old and the new Criminal Code are shown. Cedoca did not break down this list by individual paragraph and subcategory of each article of law. Additional information on the most common verdicts for crimes committed during the enforcement of martial law, during a war or battle,

²⁹⁷ Table prepared by Cedoca based on statistical data obtained from the Information Centre of the Ministry of Home Affairs of the Republic of Armenia through the UIC, 25/03/2024

²⁹⁸ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

according to the corresponding article, are explained below. There is no information on the number of acquittals, discontinued criminal cases or the number of cases yet to be heard.

Article of the old/new Criminal Code	Number of convictions			
	2020	2021	2022	2023
Article 358 (violence against a commander)	67	30	26	2
Article 519	/	/	2	2
Article 358.1 (violence against a subordinate)	71	25	15	1
Article 520	/	/	1	2
Article 359 (violence between servicemen)	53	31	24	5
Article 521	/	/	/	7
Article 360 (insulting a serviceman - humiliating honour/dignity)	35	13	8	/
Article 524	/	/	2	1
Article 361 (leaving the military unit)	29	21	25	5
Article 525	/	/	3	48
Article 362 §1 (desertion)	1	1	/	2
Article 526 §1	/	/	/	1
Article 363 (harming health/simulating an illness/using false documents to avoid military service)	4	5	/	/
Article 527	/	/	2	4
Article 364 (refusal to perform military service or duties)	10	4	16	4
Article 529	/	/	/	21
Article 372 (loss of military property)	2	/	1	/
Article 537	/	/	/	/
Article 375 (abuse of power/negligence by a commander - for personal gain)	9	2	/	/
Article 549	/	/	1	3
Article 376 (abuse of power/negligence by a commander - causing significant damage)	6	2	/	/
Article 550	/	/	/	/

Figure 2. Table showing the number of convictions for military service offences in Armenia prepared by Cedoca based on data from the Judicial Department of the Republic of Armenia²⁹⁹

Offences under Article 358 §5, using force against or threatening a commander during the enforcement of martial law, during a war or armed struggle, are punishable under the old Criminal Code by imprisonment for seven to 13 years.³⁰⁰ In 2021, one person was given a seven-year prison sentence under this article. In 2022, four people were given prison sentences of between six and eight years and in 2023, two people were sentenced to five years' imprisonment.³⁰¹ Article 519 §5 of the new Criminal Code is the equivalent of Article 358 and imposes a maximum penalty of five to

²⁹⁹ Table prepared by Cedoca based on statistical data obtained from the Judicial Department of the Republic of Armenia through the UIC, 12/04/2024

³⁰⁰ *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#)

³⁰¹ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

10 years if the offence took place during martial law, war or in the context of an armed struggle.³⁰² Of the four convictions under Article 519 between 2022 and 2023, two are based on paragraph five of this article of law. The imposed sentences were five and six years' imprisonment.³⁰³

Offences under Article 358.1 §5 of the old Criminal Code on violence against a subordinate during martial law, war or armed struggle are punishable by imprisonment for eight to 13 years.³⁰⁴ In 2022, four people were sentenced for six to eight years under this article. The 2023 case involved two people, each sentenced to five years in prison under this article.³⁰⁵ Article 520 of the new Criminal Code covers this type of crime. Part five of this article stipulates that this offence is punishable by five to 10 years' imprisonment.³⁰⁶ One of the three cases between 2022 and 2023 involved an offence under this article. The sentence handed down was two years' imprisonment.³⁰⁷

Violence between conscripts during the enforcement of martial law, a war or armed struggle is punishable under Article 359 §4 of the old Criminal Code by imprisonment for five to 10 years.³⁰⁸ Between 2021 and 2023, 20 people received a five-year prison sentence. One person received a shorter sentence of two years and one person received five-and-a-half years' imprisonment under this article.³⁰⁹ Article 521 §4 of the new Criminal Code prescribes a punishment of five to 10 years' imprisonment for violence between conscripts in a wartime situation.³¹⁰ In 2023, three out of seven convictions were based on this article of law. The sentence imposed in each case was five years' imprisonment.³¹¹

Leaving the military unit during the enforcement of martial law, a war or battle is punishable under Article 361 §7 of the old Criminal Code by six to 12 years' imprisonment.³¹² The maximum sentence handed down between 2020 and 2023 was six years. This occurred 11 times in 2021 and six times in 2022. In addition, two individuals received prison terms of one month each in 2021, one person received one year and another person four years. In 2022, one person was sentenced to three years in prison. In 2023, there were two convictions under this article, namely five and three-and-a-half years of imprisonment.³¹³ In the new Criminal Code, Article 525 §5 sets the penalty for this crime, namely five to 10 years.³¹⁴ In 2022-2023, 38 out of 51 convictions were based on this article of law. The sentence handed down was five years in most cases. In three situations, the sentence was six years and in one situation two years.³¹⁵

In relation to Article 362 on desertion, the Judicial Department's data shows that only four convictions were recorded between 2020 and 2023 under part one of this article, which concerns voluntarily leaving a military unit or failing to appear with the intent of evading military service. The sentences handed down ranged from a fine to three years' imprisonment. Part three of this article determines the punishment when this offence occurs during the enforcement of martial law, a war or armed struggle. No convictions under the latter article are included in the statistics. Under Article 526 of the new Criminal Code, the statistics include one conviction in 2023 under part one of this

³⁰² *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

³⁰³ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

³⁰⁴ *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#)

³⁰⁵ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

³⁰⁶ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

³⁰⁷ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

³⁰⁸ *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#)

³⁰⁹ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

³¹⁰ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

³¹¹ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

³¹² *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#)

³¹³ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

³¹⁴ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

³¹⁵ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

article. The sentence imposed was three years' imprisonment. The statistics do not account for convictions under part four of this article, which prescribes the penalty for desertion during the enforcement of martial law, war, or armed conflict,³¹⁶ namely 10 to 15 years' imprisonment.³¹⁷ It is not clear whether this implies that there has effectively not yet been a conviction for this crime.

Simulating health problems or depositing fraudulent documents with the intention of temporarily interrupting military service is punishable under Article 363 §5 of the old Criminal Code by five to 10 years' imprisonment if done during the enforcement of martial law.³¹⁸ Statistics from the Judicial Department report a total of nine convictions between 2020 and 2021, two of them under the fifth paragraph. In both cases, each in 2021, the sentence was five years' imprisonment. Under Article 527 of the new Criminal Code, only convictions under part one are included in 2022-2023. The sentence handed down for this ranges from 15 days to a month. In one of the six cases, the judge imposed a one-year prison sentence. There were no convictions under part three of this article when the offence took place during the enforcement of martial law, war, or armed conflict.³¹⁹

Refusing to execute military orders during the period of martial law is punishable under Article 364 §3 of the old Criminal Code by a prison sentence of five to ten years.³²⁰ Between 2020 and 2023, a total of eight people were convicted under this article. The sentence is five years' imprisonment in each case, except for one individual who received a sentence of five and a half years. The remaining 26 convictions during this period are based on parts one and two of this article. For those offences, the punishments range from a fine to a year of imprisonment.³²¹ In the new Criminal Code, Article 529 §3 stipulates the punishment for this offence during martial law, in a war situation or armed struggle. It amounts to a prison sentence of five to ten years.³²² In 2023, there were six convictions under this article. The sentence was five years in each instance.³²³

The three convictions under Article 372 –losing or damaging military equipment – are each based on part one of this article. It is part two that determines punishment in a war situation. The same applies to Article 375 regarding abuse of power or negligence by a superior or commander in the military for personal benefit. All 11 rulings are based on the first part of this article of law. The sentence imposed ranged from two to three years' imprisonment. As for Article 376, the list does not include convictions under the third part regarding abuse of power or negligence by a superior or commander during a war situation.³²⁴ The Judicial Department records do not mention convictions under Articles 537 (equivalent of Article 372) and Article 550 of the new Criminal Code (equivalent to Article 376 in the old Criminal Code). None of the four convictions under Article 549 of the new Criminal Code, the counterpart of Article 375 in the old Criminal Code, relate to a crime committed during the war.³²⁵

3.3.2. Criminal proceedings in practice

During Cedoca's fact-finding mission to Armenia in March 2024, Cedoca asked several contacts with criminal justice expertise about the status of military criminal cases related to the 2020 war, as well as how the court is handling these cases. Several sources indicated that little information is available

³¹⁶ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

³¹⁷ *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

³¹⁸ *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#)

³¹⁹ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

³²⁰ *Criminal Code of the Republic of Armenia*, 18/04/2003 (latest amendments on 09/06/2022), [url](#)

³²¹ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

³²² *Criminal Code of the Republic of Armenia*, 05/05/2021 (latest amendments on 12/04/2024), [url](#)

³²³ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

³²⁴ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

³²⁵ Statistical data from the Judicial Department of the Republic of Armenia obtained via the UIC, 12/04/2024.

because most cases are still ongoing.³²⁶ There appears to be no systematic monitoring; however, the Armenian press does report on certain issues. Cases on which information is available and articles are published mainly involve high-ranking officers or commanders in the military. Certain criminal cases are interesting, for example, because of a person's political background, because many people are involved or because they involve commanders. An organisation with expertise in human rights explained that the ongoing cases are mainly related to commanders suspected of being responsible for disorganisation during military operations rather than simple conscription evaders. This source further pointed out that certain issues are sensitive, including at the political level. This is evident from the fact that press outlets linked to the opposition try to portray certain cases as retaliation or political persecution. However, this source stated that the processes are largely public and appear to be fair.³²⁷

Peace Dialogue explained that the two main crimes during the war in 2020 were related to conscription evasion and desertion, including by high-ranking officers. The attitude of the authorities towards commanders is different from that towards ordinary soldiers. This is because they are responsible for a group of soldiers, sometimes up to 100 people, and when a commander decides not to fight, the soldiers under his command cannot fight either. The authorities are therefore stricter towards commanders, according to this source. If a soldier deserts out of fear or pacifism, the source estimated that the authorities are unlikely to make significant efforts to punish him. Asked if this source is aware whether any soldiers were acquitted, the answer is that criminal proceedings were withdrawn in quite a few cases, for instance when a soldier could not remain because his commander was no longer there and no one was left to give orders. Peace Dialogue was aware of three known desertion cases that were still pending. Concerning criminal cases against individuals who did not respond to a mobilisation summons, Peace Dialogue stated that the organisation intervened in one case and demonstrated that the individual failed to respond due to poor organisation of the process, and that there was no intention of evasion. Furthermore, the organisation was not aware of situations of serious convictions for persons who did not respond to a call-up. When asked about the likelihood of acquittal in cases of insufficient evidence, the Peace Dialogue representative stated that the legal system functions effectively, providing Armenians with ample opportunities to defend themselves and prove their innocence, particularly when they are no longer in service. Another option is to make the case public in the press.³²⁸

An organisation with expertise in human rights in Armenia also argued that the court's assessment depends on the severity of the crime. According to this source, the situation becomes more complicated when ordinary soldiers, conscripts, or mobilised reservists are involved in the same cases as higher-ranking individuals, such as officers. In the case of conscription evasion or desertion during combat in 2020, for example, all elements should be examined including the psychological state and harsh conditions. In such cases, investigating authorities should examine whether the decision to desert was reasoned and whether the commander in charge acted appropriately. According to this source, this investigation is generally conducted impartially and objectively. The source clarified that the investigative bodies are committed to trying to investigate these cases as thoroughly as possible. In this process, they encounter obstacles such as difficulties in finding witnesses or difficulties because of the absence of a crime scene.³²⁹

Cedoca also inquired with a delegate from the Human Rights House Yerevan whether judges consider factors such as the absence of a commander or inadequate equipment in their assessments. This

³²⁶ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024; Organisation with human rights expertise in the Armenian military, conversation, Armenia, 18/03/2024; Peace Dialogue, conversation, Vanadzor, 18/03/2024

³²⁷ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

³²⁸ Peace Dialogue, conversation, Vanadzor, 18/03/2024

³²⁹ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

source confirmed that it is widely known that many individuals left for the frontline without adequate equipment. From a legal perspective, any command must be executed. As there is no information available regarding low-profile criminal cases—only high-profile ones—it is not possible to determine with certainty how judges handle these cases. This source stated that it is likely that judges will take mitigating circumstances into consideration in this kind of situation. Judges are allowed to impose a sentence below the stipulated minimum. It is therefore quite possible, according to this source, that a judge will impose, for example, four years instead of six to 12 years, for desertion with mitigating circumstances.³³⁰

A representative of the UIC noted that the investigative bodies were unable to examine certain criminal cases related to desertion because they involved volunteers who were not officially registered in the military. Many volunteers left at the beginning of the war without registering and subsequently deserted because they had no idea where they were going. Legally, they are not classified as deserters because they were never officially registered.³³¹

When asked about the likelihood of a favourable ruling in a criminal case related to military service when a human rights organisation intervenes, a local human rights organisation indicated that such outcomes have become more frequent since 2018. According to the source, the chances of a favourable ruling in 2018 were very low to non-existent. This change is attributed to the significant number of cases brought before the ECHR and the increasing compliance of Armenian courts with ECHR rulings since 2018. In some court cases, such as those involving non-combat deaths, the organisation has increasingly succeeded in obtaining favourable rulings since 2018 without needing to appeal. According to the organisation, challenges concerning the effectiveness of judicial inquiries still persist. When an investigation is not conducted properly, it creates opportunities for the opposition to argue that certain issues are politically motivated. This is often the case for criminal cases involving corruption and former government officials.³³²

Concerning individuals who did not respond to a mobilisation summons during the period of martial law, a representative of the HCAV clarified in late 2021 that a person who did not receive the letter in person, was not at home, or was not present at their registered residence, cannot be deemed to have intended to evade the call-up. According to the HCAV, it is not legal to sue that person in such cases. However, failure to notify the military commissariat (or the embassy or consulate if the person resides abroad) of a change of address may result in an administrative penalty. The majority do not inform the military commissariat of a change of address. According to the HCAV, this is because conscripts and reservists are often unaware of this obligation or do not care about it. In other cases, they fail to do so because they do not want to be found or to participate in reservist training (see chapter [2.2. Mobilisation in 2020](#) and chapter [2.3. Military training](#)).³³³

3.3.3. Criminal cases in the media

Armenian press outlets published a limited number of articles on criminal cases related to the 2020 war. They mainly concern cases against commanders and other senior officials in the military. These articles are not exhaustive but serve as illustrative examples.

In March 2021, some facts emerged from a judicial enquiry into commander Ishkhan Vahanyan. He was charged with leaving his post in Hadrut and disobeying orders from his superior in wartime. His departure had serious consequences for the military unit under his command. Military personnel

³³⁰ Human Rights House Yerevan, conversation, Yerevan, 25/03/2024

³³¹ UIC, conversation, Yerevan, 21/03/2024

³³² Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

³³³ HCAV expert on human rights regarding conscription, servicemen and conditions in the military, e-mail, 27/12/2021

were killed or seriously wounded and conscripts were captured. The commander was charged under Article 356 §3 (disobeying military orders) and Article 380 §1 (voluntarily leaving the front or refusing to use weapons during battle). He was detained as a precautionary measure pending further investigation.³³⁴ Another hearing took place in January 2024. There is no information on any ruling.³³⁵

In May and June 2021, three individuals, including two commanders, were charged with high treason in connection with the 2020 war. A commander allegedly passed information about weapons and the stationing of Armenian troops to Azerbaijan. An acquaintance of his was accused of revealing the location of one of the anti-aircraft systems to Azerbaijan. On 1 December 2021, this case appeared in court.³³⁶ A third person, a high-ranking soldier in the Armenian military, was suspected of gathering information on the armies of Nagorno-Karabakh and Armenia and passing it on to Azerbaijan through the embassy in Georgia.³³⁷

In another court case, military inspector Hamlet Darbinyan, a high-ranking figure in the Ministry of Defence, was accused of taking bribes to prevent conscripts from being sent to the front line during the war, bringing them to a particular military unit or recalling them from their military unit. Besides him, there were 22 other defendants in the case, including Ministry of Defence officials. Four of them were detained. The others signed a statement agreeing to remain available to the court. In November 2021, this criminal case was forwarded to a court in Yerevan.³³⁸

In December 2021, word got out that the authorities had initiated new criminal cases. Ten Armenian soldiers held in captivity in Azerbaijan were released on 4 December 2021.³³⁹ Five of them faced charges in Armenia “for violating the rules of combat duty or military service”. Human rights activist Artur Sakunts (HCAV) considered the decision unacceptable. He described it as an inhumane attitude toward war prisoners who endured extremely harsh conditions and were subjected to both physical and emotional pressure during their captivity. Sakunts believed their commanders should be charged, not the returning war prisoners. According to Sakunts, the authorities were thereby shifting their responsibility to the soldiers who were already in a difficult situation.³⁴⁰

The For Rights organisation, an initiative of Journalists for Human Rights, published several news reports on criminal cases related to the war. In April 2023, the organisation wrote about a hearing in the criminal case against Lieutenant General Mikael Arzumanyan, a former commander of the Nagorno-Karabakh army. He was in pre-trial detention for eight months at the time. Arzumanyan was prosecuted under Articles 375 §4 and 376 §4 of the old Criminal Code and accused of ordering the withdrawal from a strategically important mountain, Arega, and adjacent military positions. According to the Investigative Committee, the consequences of his actions were very serious. A request by his lawyer for a public hearing was denied. Arzumanyan himself denied the allegations. At least 161 witnesses were subpoenaed in the case. Cedoca found no information on any ruling in this case.³⁴¹

In October 2023, Hetq published an article on a criminal case against Sevak Abrahamyan, the commander of the military unit in Mataghis in Nagorno-Karabakh. He was held in pre-trial detention as a preventive measure pending further criminal proceedings. The commander, along with other officers of his military unit, was charged with negligence with serious consequences (Article 365

³³⁴ The Armenian Times, 18/03/2021, [url](#)

³³⁵ Hetq (Hovsepyan G.), 19/01/2024, [url](#)

³³⁶ Kavkazskiy Uzel, 01/12/2021, [url](#)

³³⁷ Kavkazskiy Uzel, 12/05/2021, [url](#); Kavkazskiy Uzel, 10/12/2021, [url](#)

³³⁸ 1Lurer, 22/11/2021, [url](#)

³³⁹ RFE/RL, 05/12/2021, [url](#)

³⁴⁰ Caucasian Knot, 10/12/2021, [url](#); Kavkazskiy Uzel, 10/12/2021, [url](#)

³⁴¹ ForRights (Hambardzumyan H.), 26/04/2023, [url](#)

under the old Criminal Code and 540 under the new one). He allegedly did not pass on sufficient information about the gravity of the situation when the war was just beginning and the enemy was able to penetrate through his unit's line of Defence in Mataghis on 27 September 2020.³⁴² October and November 2023 saw new confidential evidence, filed by the public prosecutor, to prove Abrahamyan's guilt. The hearing was conducted behind closed doors due to the involvement of military secrets. No information is known about any sentencing. Fifty-one witnesses were subpoenaed in the case, which could prolong the trial, according to the defendant's lawyer.³⁴³

Hetq also published an article on three conscripts who refused to carry out orders and stand guard in their military unit on 21 October 2020 during the war. The prosecution initiated criminal proceedings against the three men under Article 364 §3 of the old Criminal Code on refusing to perform military services during martial law. Along with the trial material, the criminal file was handed over to the Court of First Instance in Syunik a few days later. No verdict was mentioned.³⁴⁴

3.4. Testifying in a military trial

When an investigative body summons a person to testify, this is done by written notification as described in chapter [3.1.3. Notification of criminal proceedings](#). The document sets out the article under which the criminal case was initiated and the fact that this person is summoned as a witness. A local human rights organisation noted that in certain situations, it could be questioned whether the grounds are justified. The organisation stresses the importance of identifying the individual who is being sued.³⁴⁵

During the fact-finding mission in Armenia, Cedoca asked several contacts about possible problems for people called as witnesses in criminal cases related to crimes committed as part of military service in general or during the war in 2020. For instance, Cedoca asked whether they are aware of situations where witnesses were pressured not to testify against their (former) commander. Several sources indicated that the chances seem rather low that a witness in a lawsuit against a commander would be pressured unless that person is still on active duty at the time he is called as a witness.³⁴⁶

Peace Dialogue indicates that soldiers called to testify against another soldier or commander may be criticised or intimidated by other members of their military unit. If this happens during military service, that person may be ignored, ill-treated, abused or tortured. If the person is no longer in service, there is a chance that a relative of the person on trial could put pressure on the witness. According to Peace Dialogue, physical violence is rather unlikely to be used in such a situation. However, the witness may face verbal abuse and criticism until they withdraw their testimony. It is legally possible in such a situation to contact the police and ask for protection, but it is not so common in practice, according to Peace Dialogue.³⁴⁷

A local human rights organisation responded that, as in other countries, it is possible for a witness to be put under pressure, but that this is not common practice in Armenia. The organisation has not encountered such situations in its practical experience with criminal cases related to the military. In criminal cases involving non-combat deaths, according to this source, a witness may well be afraid to tell the truth while still on duty. The witness may fear that the person on trial will exert pressure. There are cases where witnesses have appealed to the organisation to be transferred to another

³⁴² Hetq, (Hovsepyan G.), 12/04/2023, [url](#); Western Armenia TV, 21/10/2023, [url](#)

³⁴³ Hetq (Hovsepyan G.), 17/11/2023, [url](#); Western Armenia TV, 27/10/2023, [url](#)

³⁴⁴ Hetq, 20/10/2023, [url](#)

³⁴⁵ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

³⁴⁶ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024; TIAC, conversation, Yerevan, 21/03/2024; Peace Dialogue, conversation, Vanadzor, 18/03/2024

³⁴⁷ Peace Dialogue, conversation, Vanadzor, 18/03/2024

military unit for security reasons. According to the organisation, this is being heeded. The source does not rule out that someone may be put under pressure, but does not believe that someone no longer in service would face this. Once military service is completed, the person is free to give testimony without fear.³⁴⁸ This source, along with Human Rights House Yerevan and TIAC, drew a comparison with witnesses in corruption cases. In such cases, according to these sources, a witness may well be afraid to give testimony.³⁴⁹ This, according to a local human rights organisation, is due to the fact that these individuals are often still under the control of the accused. Once a bill related to the protection of whistleblowers is approved, it will be possible to testify anonymously.³⁵⁰

A delegate from the Human Rights House Yerevan indicated that several cases of treason were committed during the war, for which a number of high-ranking figures in the military are now on trial. Commanders accused of treason are probably all in pre-trial detention, according to this source, as it is considered a serious crime. One of the reasons for imprisoning them is precisely to prevent them from influencing witnesses. This source therefore considered it unlikely that a commander could put pressure on a witness from prison. According to this source, public opinion believes that the government makes insufficient efforts to identify instances of treason and hold those responsible accountable. Many soldiers lost their lives on the battlefield during the war due to treason. Therefore, according to this organisation, there are no valid reasons for not testifying in such cases. It is considered a normal thing to do in Armenia. In the case of military trials, there are no moral barriers to testifying against a superior.³⁵¹

Echoing the Human Rights House Yerevan, a TIAC representative argued that it is easier for a witness to avoid being influenced in a trial against a military superior compared to a corruption trial.³⁵² TIAC stated that a superior in the military is the commander of a soldier only for a short period of time so there is no emotional attachment to this person. It is therefore easier to give testimony against a superior in the military than in a corruption case. This is certainly the case, according to this source, when the person is no longer in service. When the person is still on duty, it is much more difficult to agree to testify against a superior or other military officer, for example, in a case involving a non-combat death, suicide or violence in a military unit. In that situation, a person is more likely to choose not to testify.³⁵³

According to an organisation with human rights expertise, in Armenia, as in any other country, it is possible for a witness to be put under pressure. This source highlights that there are avenues available for obtaining protection. This can be done through a lawyer, by submitting a report to the Human Rights Defender or reporting it to higher authorities. Lawyers are the most effective in dealing with this, according to this source, but the Human Rights Defender can also intervene, for example when someone reports an incident of ill-treatment during testimony or when someone was coerced to testify.³⁵⁴

Cedoca asked delegates from the Human Rights Defender whether soldiers could be prevented from highlighting problems in the military because of peer pressure. The response was that it is punishable for a superior to prevent a soldier from reporting problems or making complaints. It is also punishable for an individual to provide false testimony or obstruct another person from testifying. If this happens, the person can appeal to the Human Rights Defender. After analysing the correctness

³⁴⁸ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

³⁴⁹ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024; TIAC, conversation, Yerevan, 21/03/2024; Human Rights House Yerevan, conversation, Yerevan, 25/03/2024

³⁵⁰ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

³⁵¹ Human Rights House Yerevan, conversation, Yerevan, 25/03/2024

³⁵² TIAC, conversation, Yerevan, 21/03/2024; Human Rights House Yerevan, conversation, Yerevan, 25/03/2024

³⁵³ TIAC, conversation, Yerevan, 21/03/2024

³⁵⁴ Established organisation with human rights expertise in Armenia, conversation, Armenia, 20/03/2024

of the complaint, the ombudsman forwards it to the public prosecutor and the Investigative Committee.³⁵⁵

Regarding key witnesses who possess crucial information about a case, a local human rights organisation argued that investigative bodies are obligated to take measures to prevent any form of pressure being exerted on them. This can be achieved by the police providing round-the-clock surveillance or escorting the individual. It is also possible for the key witness to be provided with a safe house. According to this organisation, the police are able to provide protection. According to the same source, if the investigative body takes no action, it is an indication that it does not want the real culprit to be identified and held accountable. This has happened in criminal cases involving torture, according to this source, but is less common now.³⁵⁶

3.5. Document control at the border

During the fact-finding mission in Armenia, Cedoca looked into whether and how checks are conducted at the border on people leaving or entering Armenia to determine whether they are subject to criminal charges in Armenia, and whether the military booklet is checked in that process.

Multiple sources confirmed that a person facing criminal charges is not allowed to leave the country.³⁵⁷ Every individual charged in criminal proceedings is subject to at least a preventive measure that prohibits them from leaving the country.³⁵⁸ Once a criminal case has been initiated, the person under investigation signs a document stating that they are not allowed to leave the country. It is almost impossible to leave the country after a criminal case has been opened, according to Peace Dialogue.³⁵⁹

Border guards have access to an electronic database where they check if there are restrictions on leaving the country. This is effectively controlled at the border.³⁶⁰ Border guards also consult the list of people under criminal investigation upon entry. If the name appears on the list, the individual is apprehended.³⁶¹

If the person has already served his/her sentence, the person is free and there is no longer a restriction on freedom of movement.³⁶²

There are no restrictions on witnesses leaving the country, according to a local human rights organisation.³⁶³

The military booklet is not checked at the border, according to the same source.³⁶⁴

³⁵⁵ Delegates of the Armenian Human Rights Defender, conversation, Yerevan, 19/03/2024

³⁵⁶ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

³⁵⁷ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024; Peace Dialogue, conversation, Vanadzor, 18/03/2024

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³⁶² Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

³⁶³ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

³⁶⁴ Organisation specialising in human rights in the Armenian military, conversation, Armenia, 18/03/2024

Summary

The Law of the Republic of Armenia on the Status of Military Service and Servicemen of 15 November 2017 stipulates that Armenian men are conscripted from the age of 18 to 27, except for reserve officers who can be called up until the age of 35. Compulsory military service lasts 24 months. Postponement of service may be granted for medical problems, family reasons or for higher studies. Certain health problems or family reasons may also result in an exemption. Women have been able to volunteer for military service since June 2023.

At the age of 16, individuals undergo initial military registration at a regional military commissariat located near their place of residence. It is mandatory to notify any change of address to the local military commissariat – or the Armenian embassy or consulate in case of residence abroad. In practice, the latter is rare.

At the age of 18, all conscripts registered in the military register receive a call-up letter or e-mail. During the call-up procedure, irregularities may occur, such as call-ups by telephone. This occurs mainly in rural areas and can only be considered legal if the conscript also received a letter in person and signed it on receipt. Called-up conscripts must report to the military commissariat before the end of the call-up procedure, which takes place twice a year and lasts 90 days. Since 11 June 2024, there are additional ways to call up conscripts and reservists in a legally defined order: by e-mail (if an e-mail address is available), by personal delivery of the call-up letter, by registered mail and by publication on the government website Azdarar. Ten days after publication, the notice is considered valid whether or not the person has seen the public announcement. The entire call-up procedure takes 30 days under these new rules.

After registering with the military commissariat, a medical examination follows on the basis of which fitness for military service is judged. Those who do not agree with the assessment of the medical commission or a decision of the military commissariat on the granting of an exemption (or postponement of conscription) based on other lawful reasons can challenge it at the Ministry of Defence or in court. Filing a complaint against a decision of the competent conscription commission, medical commission or military commissariat does not lead to a postponement of enlistment until there is a ruling on the complaint.

Upon enlistment, conscripts hand over their military booklet to their unit commander. They first undergo five to six months of military training, after which they may be sent to the border to continue their military service.

Those who do not want to serve in the military due to conscientious or religious objections can apply for alternative service. The conditions and procedures are set by law. Since 2013, the law has been effectively applied almost exclusively to Jehovah's Witnesses. They typically choose a 30-month civilian service.

Since the 2018 revolution, it has become increasingly difficult to circumvent conscription through bribery, given the authorities' efforts to tackle corruption. Prior to that, it was more institutionalised. As recently as 2024, the Prime Minister made mention of possible corrupt collaboration between medics and the military in issuing fraudulent documents to evade conscription. Those attempting to avoid military service fraudulently or assisting others in doing so may face criminal charges.

Anyone who fails to show up at the military commissariat before the end of the call-up procedure will be criminally prosecuted for conscription evasion under Article 461 of the new Criminal Code, in force since 1 July 2022. Under this article, conscription evasion is punishable by two to five years'

imprisonment in ordinary circumstances. During the enforcement of martial law or in times of war, these offences carry a punishment of six to twelve years' imprisonment.

A criminal case regarding conscription evasion is dismissed as soon as the individual enters military service. Those aged over 27 who have not completed their military service in violation of the law can, as of 12 February 2024, choose to still perform their military service or pay financial compensation to the state and complete the military service for a limited number of months or be exempted (depending on the amount). Individuals can opt for this until the age of 37, or 45 for reserve officers, after which a criminal case for conscription evasion automatically expires due to the statute of limitations. The purpose of this article is to provide Armenian men abroad with a perspective for return to Armenia. Between 2003 and 2021, Armenian men aged 27 to 37 who did not complete their military service without valid justification within the legally specified timeframe had various options to resolve criminal proceedings. Until the end of 2019, individuals could do so through an amnesty law, which was frequently extended, by paying a financial compensation for each missed call-up. Between May 2021 and the end of 2021, a new law allowed to do so without financial compensation. By the end of 2023, more than 10,000 men were sought for conscription evasion, with 5,000 of them being over the age of 27. Cedoca found no information on actual punishments for conscription evaders.

Regarding the public perception of individuals who have not completed military service, regardless of whether they avoided it legitimately or not, several contacts reported being unaware of any issues faced by these individuals or their families. The primary consequence is that these individuals are ineligible for certain government positions. This also applies to individuals who have paid financial compensation to terminate criminal proceedings for refusal of service, as this does not erase their criminal record.

Complaints about the call-up procedure or about military service in general can be reported to the Armenian Human Rights Defender or ombuds service. This body can then contact the relevant departments, give advice or make recommendations. Their intervention may lead to a favourable response or decision by the competent authorities. In addition, there are NGOs such as Helsinki Citizens' Assembly Vanadzor (HCAV) and Peace Dialogue that specialise in human rights in the military and can provide legal assistance in case of problems related to military service. According to a local organisation specialising in human rights within the Armenian military, there is a growing willingness to challenge decisions regarding call-ups for military service. A persistent issue in the military is harassment and deaths outside combat situations, such as those resulting from suicide. In the event of problems within a military unit, it is possible to request a transfer.

Individuals who have completed their military service, as well as those who have been exempted from military service or have never completed it for other reasons, are placed on the reserve register. An exception applies to individuals declared unfit for service during both peacetime and wartime. Discharged conscripts may be called up during mobilisation, during a war or to participate in military training at the earliest one year after completing their service. A medical examination is conducted following the call-up. This is generally not conducted as thoroughly as it is for conscripts. Reservists may be exempted for various reasons, including medical issues or specific family circumstances established by law.

Since 2021, in the aftermath of the war in autumn 2020, military training for reservists has been organised on a regular basis. Initially, these lasted two to three months. Since 2023 they have been shortened to a maximum of 25 days. During the first week, called-up reservists undergo military training, after which they are deployed to the border to support the regular military. The aim of these trainings is to improve reservists' military knowledge and skills. It is stipulated by law that they may be engaged for combat duties during these training sessions.

According to Article 462 of the new Criminal Code, anyone who fails to respond to a call-up for military training may face a fine, short-term detention of up to two months, or a maximum prison term of two years. In order for someone to be prosecuted for this, it is necessary to prove that the call-up letter was correctly handed in, as in the case of conscription. Following the law change on 11 June 2024, which expanded the options for summoning individuals, it remains unclear how authorities will address the situation of military personnel who are abroad and therefore do not respond to a summons for military training. The authorities have stated their intention to determine whether a reservist is abroad before issuing a call-up.

In the war of 2020, Armenia declared martial law on the first day of fighting, which was 27 September 2020. Under Armenian law, this entails a general mobilisation of troops and a call-up of reservists up to the age of 55. In practice, the reliance was primarily on volunteers and active-duty military personnel, including conscripts. Reservists were primarily deployed in the early stages; however, it is unclear how many were actually called up and participated in the fighting. The mobilisation process was chaotic. There are known cases where volunteers went to the front lines without first reporting to the military commissariat. For several individuals, the military booklet contains incomplete information or no record at all of their participation in the fighting. As a result, they may face difficulties in receiving financial compensation for their participation, injuries sustained or medical treatment. To qualify for it they must provide evidence to the Ministry of Defence that they participated in combat.

By September 2021, over 2,000 criminal files had been opened as a result of possible war-related crimes in 2020. Many of these cases related to desertion, voluntarily leaving the military unit and refusing to carry out military orders. Additionally, criminal cases were initiated for offences such as evading service, theft of weapons, abuse of power, and negligence by commanders, among other violations. Some of these cases have been closed, some are still at the preliminary investigation stage, in others indictments have been issued, and some have been referred to court. Out of a total of 10,687 persons (in 1,786 files) against whom criminal proceedings were opened for desertion, leaving the military unit and refusing to carry out military orders, the court passed sentence for 64 persons in April 2023. The verdicts themselves are not known.

During a fact-finding mission to Armenia in March 2024 Cedoca obtained statistics from the Judicial Department on court sentences for crimes related to military service through the Union of Informed Citizens (UIC). These statistics do not include information on sentences under Article 327 (old Criminal Code) and Article 461 (new Criminal Code) on conscription evasion. No specific details are provided regarding desertion during the enforcement of martial law, war, or armed conflict (Article 362 §3 of the old Criminal Code and Article 526 §4 of the new Criminal Code). Sentences for desertion under normal circumstances have been documented, although specific details about these sentences are not provided. Sentences have also been recorded about soldiers who deserted their military unit during the enforcement of martial law (Article 361 §7 and 525 §5). This also pertains to other military service offences committed during the enforcement of martial law, war, or armed conflict, including: violence against or threatening a commander, violence against a subordinate, inter-conscript violence, submitting fraudulent documents to (temporarily) suspend military service, and refusing to execute military orders. These data show that in the majority of cases, the minimum sentence is imposed, e.g. five years when the relevant article of law provides for a sentence of five to 10 years.

There is no systematic monitoring of military criminal cases. Several sources stated during the fact-finding mission that the authorities take a harder line towards commanders compared to ordinary soldiers, reflecting the greater responsibility that commanders carry. The investigation should take into account all elements, including the difficult (psychological and general) conditions they found themselves in during the war. Investigating authorities should check whether the decision to desert

was reasoned and whether the commander in charge acted correctly. Overall, according to a consulted source, investigations seem to be impartial and objective. Investigative bodies are committed to thoroughly investigating cases to the best of their abilities. In this process, they may encounter challenges, such as locating witnesses or the absence of a crime scene.

According to several contacts, the likelihood of being pressured as a witness in a criminal case against a commander is relatively low, unless the witness is still on active duty when called to testify. One source doesn't rule out that relatives of the defendant could apply pressure to persuade the witness to retract their testimony. It is possible to ask for protection in these cases, but it is not common practice.

Bodies conducting criminal proceedings are required by law to inform all persons involved in the criminal proceedings of the details of the proceedings. When a writ of summons is issued for questioning, the individual must be informed of his/her status (whether as a witness, suspect, or accused), the facts underlying the initiated legal proceedings, the legal assessment of those facts, the time and place of their required appearance, their rights and obligations, and the legal consequences of failing to appear. A defendant is entitled to full access to information about the criminal case in which he or she is being prosecuted and the reasons for the accusation. It is possible to request the electronic case file, either in person or through a legal representative.

Once criminal proceedings have been initiated, the accused is subject to a preventive measure prohibiting him from leaving the country. At border crossings, this is checked against an electronic database. If a person's name appears on this list, he or she will be detained upon entering or leaving Armenia.

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